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SPEECHES AND DEBATES IN THE *House of Commons,* DURING The Fifth Seſſion of the Eighth Parliament of *Great Britain.*

March 6, 1738-9.

THE Day appointed for taking the Convention into Conſideration, the Members repaired ſo early to the Houſe, that it was computed 400 had taken their Seats by Eight o'Clock in the Morning. The Houſe at laſt being reſolved into a Committee of the whole Houſe, to take into their Conſideration the Convention between Great Britain and Spain, the following Weſt India Merchants and Planters were heard againſt it, viz. Roger Drake, Eſq; Rowland Fry, Eſq; Thomas Bendiſh, Eſq; James Knight, Eſq; and William Beckford, Eſq;

Anno 12 Geo. II. 1738-9.

Merchants heard againſt the Convention, in the Committee, viz. Meſſrs. Drake, Fry, Bendiſh, Knight, Beckford.

Theſe Gentlemen having communicated to the Houſe what they had to offer againſt the Convention, ſeveral Witneſſes were ordered to attend, and Papers to be read, which took up all that and the following Day.

Thurſday, March 8. The Houſe having again reſolved itſelf into the ſame Committee,

The Committee reſumed.

Horace Walpole ſpoke to the following Purpoſe:

SIR,

'The great Pains that have been taken to influence all Ranks and Degrees of Men in this Nation, againſt the late

Horace Walpole.

Anno 12 Geo. II. 1738-9.

Meaſures of his Majeſty's Adminiſtration, and the Prejudices which ſome Gentlemen even in this Houſe may entertain againſt that Meaſure which is now under our Conſideration, make it neceſſary for me to endeavour to remove theſe Prejudices before I make that Motion, with which I intend to conclude.

'I ſhall begin, Sir, with this general Obſervation, that when Differences ariſe between two Nations, an immediate Declaration of War ſeldom is, and never ought to be, the firſt Reſolution of either. If thoſe Differences proceed from any Diſpute about a Matter of Right, Juſtice and Humanity require that Endeavours ſhould be uſed to have thoſe Diſputes determined in a peaceable Way, each Party making reaſonable Conceſſions to the other, before Recourſe be had to the deceitful and uncertain Fortune of War; and if they relate to Injuries done, or Violences committed, the ſame Juſtice and Humanity require that Satisfaction ſhould be aſked in an amicable Manner by the Party offended, and peremptorily denied, or unreaſonably delay'd, by the Party offending, before Hoſtilities are reſolved on. And this Method of Proceeding is founded not only upon the Dictates of Reaſon and Humanity, but in the Caſe between us and Spain upon the poſitive Words of Treaties.

'But the Expediency and Juſtice of this, Sir, are ſtill greater when the Affronts or Injuries offered proceed only from private Subjects; becauſe the Honour of no Nation can be injured but by another, by ſome public or national Act; therefore, when any Injury is done, or Affront given by the Subjects of one State to thoſe of another, the State, whoſe Subjects have been injured, ought to apply to the other for Satisfaction, and ought not to look upon its Honour as any way affected, till the State, whoſe Subjects committed the Violence, has made the Act its own, by refuſing to puniſh the Tranſgreſſors, or to make Reparation for the Damage ſuſtained.

'Gentlemen I obſerve, in talking of the Differences between Spain and us, affect to talk a great deal of the Honour of this Nation. I would be as jealous of the Honour of this Nation as any Gentleman; but give me leave to ſay, that true Honour ought to be founded upon Juſtice and Humanity. Ambition or Intereſt may prompt ſome Nations to make Conqueſts, and ſuch Nations may, and do often break through this eſtabliſhed Rule of Juſtice and true Honour, by laying hold of the moſt frivolous Pretence for engaging in War, without any previous Application for an Accommodation. But as it is not the Intereſt of this Nation

Nation to make Conqueſts, and as, I hope, our Ambition will never provoke us to act contrary to our Intereſt, we can therefore have no Motive for tranſgreſſing this Rule, with regard to the Differences that may ariſe between us and any Nation in Europe. Anno 12 Geo. II. 1738-9.

'Upon this Maxim, Sir, and in this Light, if we conſider the Treaty now before us, I believe it will appear to be not only a juſt and honourable Meaſure, but the only juſt and honourable Meaſure we could take, with regard to the Differences now ſubſiſting between us and Spain; ſome of which are ſuch as proceed from Diſputes that have lately ariſen about Matters of Right; and the reſt are ſuch as proceed from the Violences and Depredations that have been committed by ſome of the Subjects of that Kingdom againſt the Subjects of this. As the Matters of Right which are in Diſpute are of great Conſequence to us, as Spain had little or no Reaſon to raiſe any Diſpute about them, and as their Depredations have been great and frequent, if it had been our Intereſt to endeavour to conquer any Part of the Spaniſh Dominions, or if his Majeſty had been influenced by Ambition, and a Purſuit after a glaring but falſe Renown, he might, and probably would have laid hold of theſe Differences, as a juſt Pretence for declaring War againſt Spain, without the leaſt Attempt to have them reconciled by amicable Means; but as it is not the Intereſt of this Nation to make Conqueſts, his Majeſty conſidered the Peace and Happineſs of his People as the moſt ſolid Foundations of his Glory; therefore he often applied before laſt Summer to the Court of Spain for having the Differences ſubſiſting between the two Nations accommodated in a Friendly Manner, which that Court always found ſome Excuſe or another for delaying; but at laſt his Majeſty, upon the Application from both Houſes of Parliament laſt Seſſion, made a peremptory Demand, and inſiſted upon a ſpeedy and categorical Anſwer; and till that Anſwer ſhould arrive, his Majeſty reſolved, according to the Maxim I have mentioned, and according to the Advice of his Parliament, to ſuſpend all kind of Hoſtilities. When the Court of Spain ſaw that the Affair could be no longer put off with Safety, they appeared willing to enter immediately into a ſerious Diſquiſition of the Rights that were in Diſpute; and to ſhew themſelves in earneſt, they propoſed to have the Account between the two Nations immediately ſettled, and to pay, in a ſhort time, whatever ſhould appear to be due from them on account of any Depredations upon the Balance. From hence his Majeſty juſtly conceived, that there was a Probability of having all our Differences

Anno 12 Geo. II. 1738-9.

accommodated, and therefore he could not in Juſtice or Honour commence Hoſtilities, or refuſe to accept of a preliminary Convention, by which we were to obtain Satisfaction for all paſt Injuries, and by which we were to be put into the moſt probable Method, nay, the only Method that could be propoſed, for obtaining in a ſhort time a full Security againſt all future.

'To this I muſt add, Sir, that his Majeſty's agreeing to this Preliminary Convention, and reſolving to ſuſpend Hoſtilities, till he ſhould ſee what Effect this Preliminary might produce, was not only the juſteſt and the moſt honourable Meaſure he could purſue, but it was agreeable to, and in ſome Meaſure a neceſſary Conſequence of, the Advice given him laſt Seſſion by both Houſes of Parliament. By the Addreſſes preſented laſt Seſſion, upon Occaſion of our Differences with Spain, his Majeſty was adviſed to uſe his Royal Endeavours with his Catholic Majeſty, to obtain effectual Relief for his injured Subjects; and aſſured, that in caſe his Royal and Friendly Inſtances for procuring Juſtice, and for the future Security of that Navigation and Commerce, which his People had an undoubted Right to by Treaties and the Law of Nations, ſhould not be able to procure from the Equity and Friendſhip of the King of Spain ſuch Satisfaction, as his Majeſty might reaſonably expect from a good and faithful Ally, the Parliament would effectually ſupport his Majeſty in taking ſuch Meaſures, as Honour and Juſtice ſhould make it neceſſary for him to purſue. Now, Sir, if by this Convention his Majeſty has got ſuch Reparation, and ſuch Security, as he could reaſonably expect, it muſt be allowed, that his refuſing to accept of it would have been acting directly againſt the Advice given him by Parliament; and that we have got as much Reputation, and as much Security, as any reaſonable Man could expect by a Preliminary Convention, I ſhall now endeavour to ſhew.

'With regard to Reparation, Sir, for paſt Injuries, it
not only finally adjuſted, but a certain Sum promiſed to
paid within a very ſhort time after the Exchange of
Ratifications. As there were mutual Demands with reſp
to Damages ſuſtained, it became neceſſary to ſettle and
lance the Account; for I am ſure no reaſonable Man co
expect, that we ſhould receive full Reparation for all
Damage done to us by Spain, and allow nothing for
Damage that had been done by us to that Nation. U
examining therefore, and ſtating our mutual Dema
it appeared that our Demands upon Spain, accordin
Calculation made by our own Commiſſaries, amount

200,

200,000 *l.* and that the Demands of Spain upon us amounted to 60,000 *l.* ſo that there was a Balance due to us of 140,000 *l.* which Sum his Catholic Majeſty propoſed to pay to us, by giving Aſſignments upon his Revenues in America, being the only Means he had for paying ſo large a Sum; but as we knew the Tedioufneſs and Precarioufneſs of that Fund, it was propoſed to make an Allowance for prompt Payment, if his Catholic Majeſty would engage to pay the Money in a ſhort time here at London, and the Allowance agreed on was 45,000 *l.* which reduced the Sum due to us to 95,000 *l.* and this Sum his Catholic Majeſty has expreſsly promiſed, by this Convention, to pay here at London in four Months after the Exchange of the Ratifications. From hence it appears, Sir, that we have not only got all the Reparation any reaſonable Man could expect, but all the Reparation we could with any Pretence of Juſtice inſiſt on. For tho' there were perhaps ſome other ſmall Articles, which we might have added to the Sum of our Demands, yet it muſt be allowed, they were ſuch Trifles, as not to be worth minding in a Tranſaction between two powerful Nations; and if we had inſiſted on them, it would have been eaſy for Spain to have balanced them with Articles of the ſame Kind, which were not at firſt brought into her Account. Anno. 12 Geo. II. 1738 9.

'Now, Sir, as to our future Security, every Man that underſtands what it means muſt know, that it depends entirely upon thoſe Matters of Right that are now in Diſpute between Spain and us; and that therefore it cannot be clearly and effectually provided for, till thoſe Rights are particularly examined into, and fully explained. But could any reaſonable Man expect, that it was poſſible to do this in a few Weeks, or by a Preliminary Convention? It is a Diſcuſſion that depends not only upon ſeveral diſputable Points in the Law of Nature and Nations, but likewiſe upon ſeveral Facts and Circumſtances that muſt be enquired into, and this Enquiry can be made in the Weſt-Indies only. For this Reaſon we could not ſo much as deſire Spain to do more than they have done. They have agreed to refer this Diſcuſſion to Plenipotentiaries, and that thoſe Plenipotentiaries ſhall be obliged finally to decide the Affair within the ſhort Term of eight Months; which is all we could expect, and all we could with any Juſtice or Reaſon deſire. Therefore, if there had not been one Word in this Treaty, from whence it could be preſumed that Spain had paſſed from, or given up any of thoſe Rights ſhe has lately ſet up, yet the Treaty might have been ſaid to be a good Preliminary, and ſuch a one as his Majeſty ought to have accepted

of,

Anno 12. Geo. II. 1738-9.

tho' I have ſo good an Opinion of my Country, as to think we are more than a Match for the one, and at leaſt an equal Match for the other, yet I cannot be ſo vain as to think we are an equal Match for both; and conſequently, I muſt think, we have Reaſon to be afraid of ſinking under the Burden, unleſs we can get ſome of the other great Powers of Europe to aſſiſt us.

'Let us now look round Europe, Sir, and we ſhall find with Regret there is not at preſent any one of the Powers thereof, on whom we could, in ſuch a Caſe, depend for an effectual Aſſiſtance. The Houſe of Auſtria is now in ſo weak a Condition, and ſo much reduced by the Misfortunes they have met with in their War againſt the Turks, that they could not, if they would, afford us any Aſſiſtance; and if they could, 'tis a Queſtion if they would; for their Counſels ſeem at preſent to be too much directed by French Influence. The Dutch are at preſent in a poor and helpleſs Situation; for tho' the Subjects of moſt of the United Provinces are rich and in affluent Circumſtances, their Government is extreamly low, and almoſt all their public Revenues mortgaged or anticipated; which makes them backward to engage in War: That tho' they have met with as bad Treatment from Spain as we have done, tho' as many Dutch Ships, in proportion, have been unjuſtly ſeized by the Spaniards, yet have they never yet attempted, nor do they ſeem to have the leaſt Inclination to reſent theſe Injuries in any hoſtile Manner. The Princes of Germany are now contending amongſt themſelves about the Succeſſion to ſome Parts of the Palatinate; and that Contention may perhaps break out into an open Rupture. Of the Princes of Italy, the two moſt potent may probably be engaged in the Alliance againſt us; and the King of Portugal dares not aſſiſt us, I even doubt if he would dare to admit our Men of War into his Ports. Then, if we look Northward, of the two Northern Kingdoms, the moſt powerful ſeems already to be united againſt us; and the Muſcovites, if they were inclined, are at too great a Diſtance to afford us any Relief. Thus, Sir, we are at preſent without any one Ally upon the Continent, that would give us Aſſiſtance; and in caſe of a War, the two moſt potent Kingdoms in Europe would probably be united againſt us; nay, I do not know but that the greateſt Part of Europe would unite againſt us; and when the Affairs of Europe are in ſuch Circumſtances, would it not be the Height of Madneſs in us to engage in War, if we can by any Art, or by any Means, avoid or lay it?

'But this, Sir, is not our only Misfortune at preſent.

do

domeſtic Circumſtances are far from being in ſuch a Condition as may encourage us to engage in War. Our People are already taxed almoſt as much as they can poſſibly bear; and moſt of thoſe Taxes mortgaged for paying the Debts we contracted in the late War: The Overplus of our public Revenue is hardly ſufficient for ſupporting our Civil Government in Time of Peace. If we go to War, we muſt lay on new or additional Taxes: This will increaſe thoſe Animoſities and Diviſions that now prevail too much amongſt us; and will cauſe that Party to raiſe its Head, which has not dared to look up for near twenty Years paſt. If we go to War, our Enemies will certainly endeavour to bring us into Confuſion at Home, by embracing the Cauſe of the Pretender: The War itſelf will be made the Cauſe of the Pretender; and when our People find every Year new Loads of Taxes laid upon them, many of them may begin to aſcribe all the Misfortunes they labour under, to the illuſtrious Family now upon our Throne, which will make them ready to join any Number of foreign Troops that ſhall invade us, with the Pretender at their Head. If France and Spain ſhould join againſt us, it will be impoſſible for us to guard our Coaſts, by means of our Navy, ſo cloſely, as that it may not be in their Power to throw a few regular Troops into ſome Part of the Iſland; and this might give us ſo much to do at Home, that we ſhould neither have Leiſure nor Power to diſtreſs our Enemies, or protect our Plantations Abroad.

'I have as juſt a Senſe as any Man can have of the Sufferings of our Merchants, and of the Indignities that have been put upon the Nation by the Spaniſh Guarda Coſta's; but national Reſolutions, Sir, ought not to be directed by Paſſion: We may, we ought to ſhew a proper Reſentment; but our Reſentment ought to be governed by Prudence; and if it is, we muſt ſuſpend ſhewing it, till a Change in the Circumſtances of Europe preſents us with a favourable Opportunity, which, in all Probability, we ſhall not be long obliged to wait for. Therefore, if this Convention had not been ſo favourable as it appears to be, his Majeſty ought, I think, in the preſent Conjuncture, to have accepted of it. This is the Opinion I muſt form, from the View I have of the preſent Poſture of Affairs, and from Circumſtances that are publicly known; but his Majeſty may know many Circumſtances which we do not know, and which he cannot communicate to this Houſe; and therefore in ſuch Caſes, we ought to be extremely cautious of refuſing our Approbation to a Meaſure which his Majeſty has thought fit to approve of. Such a Caution would have been ne-

Anno 12 Geo. II. 1738-9.

ceſſary, even tho' this Convention had appeared to have been altogether unſatisfactory; but I have ſhewn, I think, that we have got by it all that could be reaſonably expected by a Preliminary Treaty; from whence we have good Reaſon to hope, that in eight Months Time we ſhall obtain by a definitive Treaty all we can deſire, which is a Delay, I am ſure, not worth our while to go to War for. Therefore, I muſt think, I am fully warranted in what I am to propoſe, which is,

Motion for an Addreſs upon the Convention.

'That an humble Addreſs be preſented to his Majeſty to return the Thanks of this Houſe for having the Convention communicated to us; and to expreſs our juſt Senſe of his Royal Care for the true Intereſt of his People, in bringing the Demands of his Subjects to a final Determination; and for procuring a ſpeedy Payment for the Loſſes the Merchants ſuſtained by the Spaniards, by a certain ſtipulated Sum. And to declare our Satisfaction in the Foundation his Majeſty has laid for preventing and removing the like Grievances and Cauſes of Complaint for the future, and for preſerving the Peace between the two Nations, and our Reliance on his Majeſty that effectual Care will be taken in the ſolemn Treaty to be made purſuant to this Convention, that the Freedom of Navigation in the American Seas may be fully ſecured and eſtabliſhed for the future; and that his Majeſty's Subjects may enjoy unmoleſted their undoubted Right of Navigating and Trading to and from any Part of his Majeſty's Dominions, without being liable to be ſtopped, viſited, or ſearched on the open Seas, or to any other Violation of the Treaties ſubſiſting between Great Britain and Spain, as the only Means to preſerve upon a laſting Foundation a good Correſpondence and Friendſhip between the two Crowns; and that in regulating and ſettling the Limits of his Majeſty's Dominions in America, in the Treaty to be made with Spain, the greateſt Regard will be had to the Rights and Poſſeſſions belonging to his Majeſty's Crown and Subjects.—— And to aſſure his Majeſty, that in caſe his Majeſty's juſt Expectations ſhall not be anſwered, that this Houſe will ſupport his Majeſty in taking ſuch Meaſures as may be moſt conducive to vindicate the Honour and Dignity of his Majeſty's Crown, and the Rights of his People.

Mr. Campbel of Pembrokeſhire.

SIR,

Mr. Campbel.

'I ſtand up to ſecond the Motion which the Honourable Gentleman near me has been pleaſed to make; and I ſecond it, becauſe, I think, the neceſſary Conſequence of our not agreeing to it, would be an immediate War. Now, as I think we have got by this Convention as much as we could expect

expect by a Preliminary Article, for with reſpect to our future Security it can be called nothing elſe, nor was it poſſible in ſo ſhort a Time to make it any thing elſe; and, as I think, that the Court of Spain's agreeing to this Convention, eſpecially that Part of it which ſtipulates an immediate Reparation, furniſhes us with a ſtrong Preſumption that they are inclined to do us Juſtice, and that we ſhall in a ſhort time obtain ſufficient Security for the Freedom of our Trade and Navigation in Time to come; therefore, I muſt think a War quite unneceſſary, and no War can be juſt that is not neceſſary, nor can any War be honourable that is not juſt. Anno 12 Geo. II. 1738-9.

'This Conſideration, Sir, convinces me, that we ought to approve of this Convention; and my Honourable Friend has taken Care to put ſome Words or Expreſſions into the Addreſs he has been pleaſed to propoſe, which, in my Opinion, will obviate the only material Objection I have heard made to this Treaty. Our Merchants ſeem to think, that our Rights and Poſſeſſions in America are not ſufficiently ſecured to us by the Terms of this Preliminary; and therefore they apprehend, that ſome of them are to be given up by our Plenipotentiaries. Theſe Apprehenſions, I think, there can be no Ground for, from any Word or Expreſſion in this Preliminary; nor can any Man entertain ſuch a Thought, if he conſiders the inviolable Attachment his Majeſty has always ſhewn for the Rights and Privileges of his People, and that our Plenipotentiaries can do nothing without his Order, nor finally agree upon any thing without his Approbation; but if it were poſſible to apprehend, that any of our Rights or Poſſeſſions are in Danger of being loſt, or given up by the definitive Treaty that is to be concluded in purſuance of this Preliminary, even that Poſſibility muſt be taken away, by our declaring, in the Addreſs propoſed, our Reliance on his Majeſty, that from his conſtant Attention to the Honour of his Crown, and the undoubted Rights of his People, effectual Care will be taken, that the Freedom of Navigation in the American Seas may be fully ſecured and eſtabliſhed for the future; and that in regulating and ſettling the Limits of his Majeſty's Dominions in America, the greateſt Regard will be had to the Rights and Poſſeſſions belonging to his Majeſty's Crown and Subjects.

'By theſe Words, I ſay, Sir, the very Poſſibility of apprehending any Danger to our Rights or Poſſeſſions muſt be effectually removed; for after ſuch a full and explicit Declaration of Parliament, what Miniſter will dare to adviſe his Majeſty to give any Inſtructions, or to ratify any Treaty, for giving up, or incroaching in the leaſt upon, any

Anno 12 Geo. II. 1738-9.

of our Rights or Poſſeſſions in America? Therefore, I think no one good Reaſon can be aſſigned for our refuſing to give ſuch an Approbation to this Convention, as the Honourable Gentleman has been pleaſed to propoſe; for really, in my Opinion, it looks more like a Declaration of what we expect by the ſolemn Treaty that is to be concluded, than an Approbation of the Preliminary that has been already concluded.

* Sir Thomas Sanderſon.

Sir Thomas Sanderſon.

SIR,

'The Great Deſign, and the chief Uſe of Parliaments, is, to preſent to our Sovereign the Opinions as well as Grievances of the People; and this Houſe in particular is deſigned as a Check upon Miniſters, and as a Sort of Mirror, in which the Counſels, the Actions, and the Meaſures of Miniſters are to be truly and faithfully repreſented to their Maſter. In abſolute Monarchies the King can never know, by any legal Means, whether the Meaſures he is adviſed by his Miniſters to purſue be agreeable to his People: He can never be informed of their being diſagreeable, but by the Inſurrections or Rebellions of the People, which generally end in the Deſtruction of a great many Subjects, and often in the Ruin of the Sovereign. This is a Misfortune that in this Kingdom we ſhall always be free from, while we have Parliaments, and ſuch Parliaments as are independent of the Adminiſtration. But if ever our Parliaments ſhould come to be under the Direction of the Miniſter, for the Time being, they would be uſeleſs, they would be pernicious; becauſe they would be made uſe of only for impoſing upon the King with the greater Aſſurance, and for oppreſſing the People with the greater Security. Therefore, I hope, that in this Houſe we ſhall upon all Occaſions talk to our King, not in the Language of his Miniſters, but in the Language of Truth, in the Language of his People. For this Reaſon, while I have the Honour to have a Seat here, I ſhall never join in any Addreſs to the Throne that may in the leaſt contribute towards inducing my Sovereign to form ſuch an Opinion of any public Meaſure, as may be contrary to the Opinion I have, upon a thorough Enquiry, formed of it, and contrary to the Opinion which, I know the People in general have formed of it. The Convention now before us, in my Opinion, is the moſt diſhonourable the moſt deceitful, the moſt ruinous Treaty this Nation ever made: I will be bold to ſay, that 99 out of a 100 of th

* Then Treaſurer to the Prince of Wales. Now Earl Scarborough.

the People are of the ſame Opinion; and ſhall I agree to an Addreſs, which muſt make the King believe, if he believes what we ſay, that it is an honourable, fair, and advantageous Treaty? Anno 12 Geo. II. 1738-9.

'The Honourable Gentleman and his Friends may, if they pleaſe, Sir, call the latter Part of the Addreſs he has propoſed a Declaration of what we expect by the ſolemn Treaty that is to be concluded; but the firſt Part is a downright Approbation of the Convention; and is therefore inconſiſtent with the latter; for it would, in my Opinion, be ridiculous in us to ſay, we expect or hope for any thing from a ſolemn Treaty that is to be concluded in purſuance of a Preliminary, by which every thing we have to expect, or hope for, is previouſly given up, and almoſt expreſsly ſurrender'd. Out of the Regard I have, and I hope, ſhall always have for his Majeſty, I muſt, in examining the Addreſs propoſed, leave his Name out, and ſubſtitute in its Room, the Name or Term Miniſter, or Negotiator. Shall I, Sir, upon Occaſion of this Convention, expreſs my moſt grateful Acknowledgments for the Miniſter's, or Negotiator's particular Care, and tender Regard for the Intereſts of the People, when I think that in negotiating and agreeing to this Convention, he has ſhewn no Care, no Regard for, but on the contrary has ſacrificed, I ſhall not ſay betray'd, the moſt valuable, the moſt ſacred Rights of his Country? Shall I ſay, that a final Adjuſtment of our long depending Demands has been obtained by this Convention, when I ſee, that inſtead of adjuſting, we have releaſed them? Shall I ſay, that any Payment is to be made by Spain upon that Account, when it appears that Spain is not to pay one ſingle Groat, when it appears that no one Shilling is ſo much as ſtipulated, but what is to be paid by one Part of our own Subjects to another? Or, ſhall I ſay, I am ſatisfied with the Foundation the Miniſter or Negotiator has laid, for preventing the like Grievances and Cauſes of Complaint for the future, when I am convinced that, by this Convention, a Foundation is laid for increaſing them, and for rendering them perpetual? God forbid, Sir, that any Member of this Houſe ſhould behave in ſuch a ſlaviſh Manner towards the Miniſter, or in ſuch a deceitful Manner towards his Sovereign.

'I ſhall allow, Sir, that when Differences ariſe between two Nations, War ought not to be reſolved on till Application be firſt made for having them removed by a friendly Accommodation; but that Application ought to be made in an honourable Manner, and ſuitable to the Dignity of the Nation that makes it. If the Matters of Right that are

begun

Anno 12. Geo. II. 1738-9.

begun to be diſputed be ſuch as are really doubtful, a Negotiation may be ſet on Foot for having them explained; but to diſpute the moſt undoubted Rights, Rights that are eſtabliſhed by the Law of Nature as well as by particular Treaties, is one of the greateſt Inſults that can be put by one Nation upon another; and therefore, the only Application that can be made is a peremptory Demand for having them acknowledged in the moſt explicit Terms: To negotiate, or to treat about ſuch Rights, is to betray them. Again, when Violences are committed by the Subjects of one Nation upon thoſe of another, Satisfaction may be demanded, nay, I ſhall grant that it ought to be demanded in a peaceable Manner, before reſolving to take Satisfaction by Force of Arms; but this Satisfaction ought to be required, not ſued for; and much leſs ſued for again, after many affected Delays or ſham Excuſes: To require Satisfaction in a peaceable but dignified Manner is prudent, is commendable; but to ſue and ſollicit for it is mean, abject, and diſhonourable; and when a Nation continues to ſue for it, under frequent Repetitions of the ſame Sort of Violences, it is ridiculous, it is miſchievous.

'This, I am afraid, is our Caſe with regard to Spain. We have negotiated about our undoubted Rights, we have ſued for Satisfaction, and have ſo long continued negotiating, that we have at laſt rendered ourſelves ridiculous and contemptible. In this Opinion I am confirmed by the Treaty now under our Conſideration: A Treaty which they ſeem to have impoſed upon us as the Coup de Grace to that Character we formerly had among the Princes and Potentates of Europe. After diſputing with us ſuch undoubted Rights, and committing ſo many and ſuch unheard-of Depredations upon our Merchants, if they had not had the utmoſt Contempt of our Underſtanding, as well as Power, it was impoſſible they could have thought of impoſing ſuch a Treaty upon us: A Treaty by which they have, under the Pretence of giving us a Foundation for obtaining future Security, obliged us to give up thoſe Rights upon which it depends; and inſtead of giving us Reparation, they have obliged us to give them a general Releaſe; nay farther they have obliged us to give up to them, for much leſs than the true Value, five Britiſh Ships and their Cargoes which they had, before this Treaty was thought of, oblige themſelves to reſtore. If they had given us a flat Denial if they had abſolutely refuſed to give us any Security Reparation, it would have been ſhewing a Contempt of o Power only; but to preſume to palm upon us ſuch a ſha Security, and ſuch a fallacious Sort of Reparation, is ſhe

in

ing the utmoſt Contempt of our Judgment, as well as our Power. As yet the Contempt can fall upon our Negotiators only; but if this Houſe ſhould give any thing like a Sanction to ſuch a Treaty, the Contempt muſt fall upon the Nation, or at leaſt upon that which is called the Wiſdom of the Nation. Anno 12 Geo. II. 1738-9.

'In order, Sir, to make good what I have ſaid, I muſt beg Leave to conſider what we ought to have had, and whether we have got, by this Treaty, ſo much as the Hopes of obtaining any one Thing we ought to have had. I believe every Gentleman will allow, that we ought to have had ſome Satisfaction for the many Inſults the Spaniards have put upon the Crown and Flag of Great Britain. To ſome this may appear to be merely a Point of Honour; but to me it appears ſo material, that I think we can have no future Security without it. No Treaty, no Regulations you can make, will, in my Opinion, ſignify any Thing, without ſome exemplary Satisfaction; for the Spaniſh Governors and Captains of Guarda Coſta's in America will ſhew no Regard to any Treaty or Regulations you can make, if they find they may tranſgreſs them with Impunity. Whereas, if ſome of thoſe Governors and Captains that have robbed our Merchants had been hanged, as they highly deſerve, and their Bodies hung up in Chains, upon the moſt conſpicuous Capes of Cuba, Hiſpaniolo, and Porto-Rico, it would have ſhewn all ſuch for the future what they were to expect, if they inſulted the Crown, or injured the Subjects of Great Britain. But the Court of Spain, being reſolved to grant nothing that might any way contribute to our future Security, reſolved not to allow the Word Satisfaction to be ſo much as once mentioned in this Treaty: Even the Spaniſh Pirate who cut off Captain *Jenkins*'s Ear, making uſe at the ſame Time of the moſt inſulting Expreſſion towards the Perſon of our King, an Expreſſion which no Britiſh Subject can decently repeat, an Expreſſion which no Man that has a Regard for his Sovereign can ever forgive: Even this Fellow, I ſay, is to live to enjoy the Fruits of his Rapine, and remain a living Teſtimony of the cowardly Tameneſs, and mean Submiſſion of Great Britain, and of the triumphant Pride, and ſtubborn Haughtineſs of Spain.

'This alone, Sir, is ſufficient to ſhew, that we can have no Hopes of any future Security; and yet a future Security for the Freedom of our Trade and Navigation was what we ought principally and peremptorily to have inſiſted on; but our negotiating Miniſters have not ſatisfied themſelves with neglecting it, they have almoſt expreſsly, by this Preliminary,

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liminary, given it up: They have almoſt expreſsly given up the Rights upon which it depends, by referring them to be regulated by Plenipotentiaries; for if we conſider the Nature of thoſe Rights in diſpute between Spain and us, upon which our future Security depends, we muſt ſee that, if the Right we pretend to be regulated, it muſt be ſurrender'd, and that if the Right Spain pretends to be regulated, it muſt be eſtabliſhed. The Right we pretend to, the Right which, I hope, the Nation will never depart from, whatever our Negotiators may do, is a Right to a free Navigation in the open Seas of America: This Right the Spaniards, truſting to our Feebleneſs, or our Fondneſs for Negotiation, have taken upon them to deny: They ſay, we have no Right to any Navigation in the American Seas but what they have granted us by Treaty, which is only whilſt our Ships ſteer a direct Courſe from one Part of the Britiſh Dominions to another. For God's Sake, Sir, what is it, in this Caſe, our Plenipotentiaries are to regulate? Are they to regulate what ſhall or ſhall not be called a direct Courſe? If we agree to any ſuch Regulation, can we afterwards ſay, we have a Right to a free Navigation? Does not every Gentleman ſee, that if this Right be regulated, it muſt be given up?

'On the other hand, Sir, Spain pretends to a Right to ſearch our Ships in the open Seas of America, and to ſeize and confiſcate them, if they be found ſailing out of their due Courſe, or if any Goods, which they are pleaſed to call contraband, be found on board. Does not every Gentleman ſee that this Right muſt be granted, muſt be eſtabliſhed, before it can be regulated? Therefore, it may be juſtly ſaid, that, by this Preliminary, we have ſurrender'd the Right we pretend to, and eſtabliſhed the Right the Spaniards pretend to; or at leaſt, that we have laid a Foundation for expreſsly ſurrendering the one, and eſtabliſhing the other, by the ſolemn Treaty that is to be concluded in purſuance of this Preliminary. This is the leaſt we have done by this Preliminary; and that is the more diſhonourable, the more ſcandalous, becauſe the Right we pretend to, is a Right eſtabliſhed by the Law of Nature, enjoy'd by all Nations and confirmed to us by every Treaty ſubſiſting between the two Crowns: Whereas, the Right the Spaniards pretend to, is a Servitude, which no Nation ever pretended to impoſe upon another, nor did ever the moſt contemptible Nation under the Sun ſubmit to it. To which I muſt add another Misfortune, that all the Regulations that can, in either of theſe Caſes, be eſtabliſhed, are to be explained and judged of by Spaniſh Governors and Captains of Guarda Coſta

Cõſta's; and therefore, we may from their paſt Behaviour conclude, that every Britiſh Ship they meet with in the Seas of America will be adjudged to be a Treſpaſſer againſt ſome of theſe Regulations, and conſequently liable to Confiſcation. Anno 12 Geo. II. 1738-9.

'Thus, Sir, it appears, we have negotiated, we have treated away all Hopes of future Security; and now I ſhall make it appear, we have done the ſame with reſpect to Reparation for paſt Injuries. By a commiſſorial Way of Reckoning our Negotiators reduced the Demands of their Country to 200,000 *l.* and this Sum, allowing a Trifle, as they ſay, for prompt Payment, they pretend to have obtained for us: But how have they obtained it? They allow Spain to deduct 60,000 *l.* on account of a moſt frivolous Demand they ſet up againſt us, and before Spain pays any thing to us they have allowed them to extort in the moſt unjuſtifiable Manner from our South-Sea Company 68,000 *l.* Theſe two Sums reduced what Spain was to pay to us, by Way of Reparation, to 72,000 *l.* and from this Sum they have allowed them to deduct 45,000 *l.* a pretty modeſt Allowance, for prompt Payment: Then there remains but 27,000 *l.* and for this they have allowed them to detain, and convert to their own Uſe, five Britiſh Ships, which the King of Spain had before promiſed to reſtore, and had actually ſent Cedula's to the Weſt-Indies for that Purpoſe; which five Ships, I mean thoſe mentioned in the 4th Article of this Treaty, were worth 30 or 40,000 *l.* Does not every one ſee, Sir, that inſtead of our getting any Reparation by this Treaty for paſt Injuries, we have really allowed the Spaniards to keep to the Value of at leaſt 3, if not 13,000 *l.* of what they had before obliged themſelves to reſtore? And this, I ſuppoſe, our Negotiators allowed them by Way of a Reward for their allowing the ſham, ſtipulated Payment of 95,000 *l.* to be mentioned in this Treaty. In Conſideration of which ſham, ſtipulated Payment, we have given them a general Releaſe for all Demands, and all paſt Injuries. Sir, if we had freely given them a general Releaſe, we might have had ſomething to boaſt of: We might have bragged of our generous and forgiving Temper; but to be thus chouſed out of all our juſt Demands, muſt make us the Ridicule of every Foreigner that hears of it. Can ſuch a ſham Reparation, ſuch a lumping Bargain as this, be ſaid to be an Acknowledgment in the Spaniards of their having been in the wrong to us? So far otherwiſe, that it muſt be ſuppoſed, they inſiſted upon our lumping away our Demands in this Manner, on purpoſe to avoid their being obliged to acknowledge themſelves in the wrong, or to ac-

Anno 12 Geo. II. 1738-9.

knowledge that any of our Ships had been unjuſtly ſearched, ſeized, or confiſcated, except the five Ships they had before acknowledged to be ſo; and provided we would allow them to keep theſe five Ships, I ſuppoſe they were willing to agree, to allow us what they valued them at by way of Reparation.

'This, Sir, is in reality, whatever we may pretend, the only Reparation we are to meet with from Spain; and this Reparation they had promiſed us before this Convention was thought of. The 60,000 *l.* which we have allowed them for their Ships, which we took and deſtroy'd in the Year 1718, can be no Reparation to us, whatever it may be to them; becauſe they had no Pretence for any ſuch Demand. The taking and deſtroying of thoſe Ships was what we had a juſt Title to from their Infraction of Treaties: It was then reckoned ſuch a Piece of public Service, that Sir George Byng was made a Peer for it; and if we promiſed to reſtore them by the Treaty in 1721, we performed that Promiſe, as far as was incumbent upon us: We promiſed only to reſtore them in the Condition they were in: We did not promiſe to repair them, or to make them fit for Service; and if the Spaniards would not take them, becauſe they would not be at the Expence of repairing them, it was their Fault. Therefore I muſt ſuppoſe our Negotiators allowed of this Demand for no other Reaſon, but in order to have a Pretence to ſay, they had obtained ſome Sort of Reparation; and the 68,000 *l.* to be paid by our South-Sea Company, I muſt look on as a Condeſcenſion of the ſame Nature. The King of Spain had juſtly no ſuch Demand upon the Company: If he had, they had much greater Demands upon him: The Court of Spain itſelf allows they have a juſt Demand for above four Times the Sum; therefore the moſt that Court could inſiſt on, was Compenſation; but the Truth is, I believe, they are reſolved never to pay the Company a Shilling; and our Negotiators allowed them to inſiſt upon the immediate Payment of this 68,000 *l.* upon a Promiſe to pay it back to them by way of Reparation. Can this be called a Reparation made by Spain? Can it be called a Reparation made to this Nation? If the Company would agree to pay it, which I believe they will not, it might be ſome Reparation to our injured Merchants; but a Reparation made to them by our own South-Sea Company can never be ſaid to be a Reparation made by Spain; nor can a Reparation made by one Part of our own People to another be ſaid to be a Reparation made to the Nation.

'I have now, I hope, clearly ſhewn, Sir, that by the Conven

Convention we have obtained no Satisfaction, no Security, no Reparation; but that on the contrary we have given up all future Pretences to every one of them. Therefore I cannot think that any Gentleman who conſiders himſelf only as a Member of this Houſe will agree to our approaching the Throne of our Sovereign with ſuch an Addreſs as has been propoſed. Immediate War may not be the Conſequence of our refuſing our Approbation; but immediate Infamy to the Nation will, in my Opinion, be the certain Conſequence of our granting it. I ſhall allow that War ought to be avoided. It ought to be avoided by all Means, but ſcandalous, cowardly Means. A Nation that has once got the Character of being cowardly, or too fearful of engaging in War, muſt always be in a Sort of War. They will always be ſuffering War, but never making any. This, I am afraid, has been too much our Caſe for 17 or 18 Years paſt: We have had our Towns beſieged, our Ships taken, our Merchants plundered, and our Seamen barbarouſly treated, without our declaring War, or committing any Hoſtilities on our Side. Long before the Treaty of Seville, the Spaniards began their Depredations: We then bought Peace at a dear Rate; at the Price of ſacrificing the Friendſhip and Confidence of one of our beſt Allies. While we were getting Provinces for Don Carlos, which has ſince procured him Kingdoms, the Spaniards ſuſpended a little their Depredations; but they never granted us any Reparation for what was paſt, nor Security againſt future, tho' they promiſed both by that Treaty: On the contrary, as ſoon as their Turn was ſerved, they renewed their Depredations with more Vigour and Cruelty than ever. And ſhall we approve of a Treaty, which, inſtead of preventing them, will give the Spaniards what they never had before, a Title to continue them; for this muſt be the Caſe, if in purſuance of this Preliminary we agree by a ſolemn Treaty to any Regulations, either with regard to our Right to a free Navigation, or with regard to the Right they pretend to of Searching our Ships upon the open Seas, and ſeizing them, if found ſailing out of their due Courſe, or with any Goods on board, which they are pleaſed to call contraband.

Anno 12 Geo. II. 1738-9.

Our agreeing, Sir, to ſuch a Treaty muſt neceſſarily involve us at laſt in a War, unleſs we have a Mind to give up our Plantations and Weſt-India Trade; Whereas our refuſing our Approbation to this Preliminary will prevent any ſuch ſolemn Treaty's being negotiated, and may prevent a War; for if Spain has the leaſt Dread of our Reſentment or Power; if this Nation is not already brought into the utmoſt Contempt, when Spain ſees that they cannot amuſe a

Anno 12 Geo. II. 1738-9.

Britiſh Parliament, as well as a Britiſh Miniſtry, they will agree to do us Juſtice in a peaceable Manner. But for God's Sake, Sir, what are we afraid of? If Spain is not aſſiſted by France, 'tis impoſſible we can have any Thing to fear. If France ſhould join againſt us; tho' I may not perhaps think, we are an equal Match for them both at Land, yet, I think, we are more than a Match for them both at Sea; and there they muſt gain a Superiority, before they can diſtreſs, or greatly hurt this Nation, But ſuppoſe we were not: The Honourable Gentleman who made this Motion, has himſelf given a good a Reaſon, why we ſhould not ſubmit to an infamous Peace. The Race is not to the Swift, nor the Battle to the Strong, 'tis God that gives the Victory; and when we have ſo juſt a Cauſe, we have great Reaſon to hope for the Aſſiſtance of God Almighty; which will be ſufficient for us, even tho', by means of our late Negotiations and Conduct, we may now literally ſay, We have none elſe to put our Truſt in, but him.

The Circumſtances of Europe, Sir, are indeed at preſent in a dangerous, a moſt terrible Situation; and the preſent Circumſtances of this Nation cannot, 'tis true, be ſaid to be happy; but the Honourable Gentleman who made this Motion is, I think, one of the laſt that ought to have made uſe of ſuch an Argument for our approving of a diſhonourable or deſtructive Treaty. If we have negotiated the Affairs of Europe into an unlucky Situation, 'tis well known who ought to be blamed; and if the domeſtic Affairs of this Nation be now in great Diſorder, a certain Friend of his cannot be entirely innocent. If our Affairs are brought to ſuch a fatal Criſis, that we muſt either forfeit our Honour, and leave our Plantations and Trade expoſed to continual Inſults and Depredations, or engage in an unequal War, it may be an Argument for ſuſpending our Reſentment, if poſſible, till a more favourable Opportunity offers; but it can be no Argument for our agreeing to a diſhonourable and pernicious Treaty; eſpecially when by ſuch a Treaty we are to get nothing, not ſo much as a Suſpenſion of Hoſtilities, and are to give a general Releaſe of all former Demands, a general Oblivion of all paſt Injuries; for ſince we are to get nothing, I think we ought not to have paſſed from any thing by this Preliminary: Our Demands, as well as our Rights, might have been referred to be regulated by our Plenipotentiaries; and in that Caſe, we could have inſiſted or relaxed with regard to the form according to the Compliance we had found Spain ready to make with regard to the latter.

I therefore hope, Sir, that no Gentleman will be frig

ned into an Approbation of this Treaty, by the Terrors that have been thrown out; but that on the contrary every Gentleman will upon this Occaſion reſume the Spirit of his Anceſtors, and reject a Treaty which ſo evidently blaſts the Honour of his Country. When this is done, we may with Honour examine into the Terrors we have been threatned with; and if there be the leaſt Ground for them, I hope it will be a prevailing Argument for our entering upon a ſtrict Enquiry into the Conduct of thoſe who have brought their Country into ſuch fatal Circumſtances; for if we be in ſuch a woful Condition, as to be unable to continue in Peace with any Degree of Honour, or engage in War with any Proſpect of Succeſs, I am ſure we can expect no Redreſs from the future Conduct of thoſe, who by their paſt Conduct have brought our Affairs, both at Home and Abroad, into ſuch Diſtreſs and Confuſion.' Anno. 12 Geo. II. 1738-9.

Lord Gage,

SIR,

'As incapable as I am of entering into a Debate of this Nature, I can't with that Duty I think I owe my Country, and thoſe I have the Honour to repreſent, ſit ſtill and only give a Negative to the Queſtion before us: For I look on this Addreſs that is propoſed to be made his Majeſty, to be no more than a Vote of Approbation of the Meaſures taken by the Adminiſtration, and of Thanks for the Bleſſing the Nation has obtained by this Convention with Spain, of which I once ſaid before, had a Meſſenger with proper Inſtructions been ſent over in a Fiſher-Boat, he would have brought us back a better than that we have got. Lord Gage.

'As to any Compliments that are to be paid his Majeſty, no one is more ready to join in them than myſelf; but as by the Laws of this Land the King can do no wrong; ſo I look on this Convention as the Work of the Miniſter, and as ſuch I ſhall ſpeak of it; and that it is ſo is clear, for Everybody, let him be never ſo dim-ſighted (that has not had Duſt thrown into his Eyes) muſt ſee that this glorious Convention, that has coſt the Nation not above Half a Million of Money, is more a miniſterial Expedient to get over this Seſſion of Parliament, than a Thing calculated either for the Dignity of the Crown, the Satisfaction of the Merchants, or Reparation for the repeated Inſults on the Honour of the Nation.

'When I firſt read the Convention, I was ſurprized to find that our indiſputable Right to free Navigation, and no Search at any Diſtance from Land, was to be referr'd to Plenipotentiaries at a future Congreſs: The referring an indiſputable Right, is in a Manner weakening the Title, not

that

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that I apprehend, that any Miniſter at Home or Abroad will ever dare give up this Right of ours.

But why is this to be diſcuſſed in a future Treaty? Why, after the Reſolutions the Parliament laſt Year came into, was not this the firſt Article in the Convention. *Sine qua non*, as to any Treaty with Spain, can there be any one weak enough to imagine, that Plenipotentiaries ſitting at a round Table with Pen, Ink, and Paper before them, can procure for this Nation what our Fleet could not have done laſt Year with Cannon, Powder, and Ball?

'Beſides, by having deferr'd doing ourſelves Juſtice, England may have loſt a very lucky Juncture: France and Spain were not then on ſo good Terms, as I am afraid they are at preſent. Had the Spaniards been attacked laſt Year in New Spain, we ſhould have found them unprovided, their Garriſons without Men, and their Fortifications out of Repair. But this they have taken Care to remedy for the future, by the great Number of Troops they have ſince ſent thither, and by working Day and Night at their Fortifications.

'But as on the one hand they are grown ſtronger, ſo we on the other are grown weaker and poorer: We, Sir, laſt Year threw away a vaſt Sum of Money to no Purpoſe, but to be laughed at by all Nations, and they by our Leave are bringing home, in their Galleons, vaſt Sums of Money to be employ'd againſt us.

'What have we been doing for theſe laſt twenty Years but negotiating to no Purpoſe? What is there in this Treaty more than in all former Ones? Did not Spain by the Treaty of Madrid, in the Year 1721, which Treaty was confirmed by another in the ſame Year, called the Tripple Alliance, ſtipulate that all former Treaties ſhould be confirmed, and expreſly promiſed that all Goods, Merchandizes, Money, Ships, and other Effects, which have been ſeized as well in Spain as the Indies, ſhould be ſpeedily reſtored in the ſame kind, or according to the juſt and true Value of them, at the Time they were ſeized? Has there been a Tittle of this performed? Has our Merchants ever had any Satisfaction made them for their Ships, their Effects and Money they were plunder'd of? Why, no.

'But yet every Man, who at that Time did not believe they ſhould, was looked upon as a Jacobite, a Man diſaffected to his Majeſty, or at leaſt to his Miniſter, which was as bad, if not worſe. So far were the Spaniards from performing one Article of this Treaty, that they uſed us worſe than ever, and ſo continued doing till the Merchants came with freſh Complaints, which they laid again before the Houſe

Houſe of Commons, where I can't ſay, they were very civilly uſed by ſome; however, they made out very clear the Allegations of the Petition, and proved their Loſſes beyond Contradiction. Anno 12. Geo. II. 1738-9.

' Upon this, vigorous Reſolutions were again enter'd into by the Houſe of Commons to obtain Juſtice and Satisfaction for the Merchants; and in order to obtain it, our then and preſent Miniſters finding that they had not ſucceeded in any one Treaty they had yet made, enter'd into another called the Treaty of Seville, ſigned in the Year 1729.

' By the firſt Article of this Treaty all former Treaties of Peace, Friendſhip and Commerce, are again renewed and confirmed; and Spain expreſsly promiſed not to do any Thing, nor ſuffer any Thing to be done, that might be contrary thereto directly or indirectly.

' In the 4th Article of this Treaty it is particularly agreed, that the Commerce of the Engliſh Nation in America ſhould be exerciſed as heretofore: And that Orders ſhould be diſpatched without any Delay to the Indies for that Purpoſe.

' By the 6th Article of it, Commiſſaries were to be named who were to ſettle the Limits and Pretenſions of the Merchants: And Spain promiſed to execute punctually and exactly, within ſix Months, what ſhould be decided by the ſaid Commiſſaries, who were to make their Report in three Years; but there being nothing done in the firſt three Years, the Term was renewed for three Years more, in order to do nothing ——, which ſucceeded accordingly.

' And I remember very well, that an honourable Gentleman on the Floor * oppoſite to me did at the Time of the making this Treaty often ſay, that he was ſure if the Government would give the Merchants the Money that was to be allowed the Commiſſaries, they would get more by that, than from the Treaty, which I think has proved but too true: For thoſe Gentlemen for themſelves have not received leſs than twenty thouſand Pounds; whereas the Merchants have not received twenty Pence.

' But yet at that time this honourable Gentleman as well as myſelf, and all thoſe who thought as we did, were looked upon as a Sett of diſaffected People, as they are now who don't like this Convention, and expect no more Good from it than from all the former Treaties.

' And as for my Part, I own I expect no Good from it, but apprehend much Hurt: Our Right to free Navigation, and

* Mr. Pulteney.

Anno 12 Geo. II. 1738-9.

and no Search not being inſerted in it, but left to Commiſſaries.

'I find alſo, by what I call the Preliminary Article, the King of Spain's Proteſt, that the South-Sea Company's Aſſiento Contract will be annulled by the Company's having refuſed (a few Days ago in a full Court) to pay the ſixty eight thouſand Pounds, the King of Spain demands of them by that Proteſt deliver'd to Mr. Keene. What Authority Mr. Keene could have to make this Bargain for the South-Sea Company, and give up a Property they are entitled to, by Virtue of Treaties and Acts of Parliament, I can't apprehend. And tho' their Loſs may be no national Point, yet ſo great a Body of Engliſhmen, whoſe Property is concerned, deſerves at leaſt the Protection of Parliament.

'The next Thing that I have good Reaſon to believe will be given up, or at leaſt taken from us, is Georgia, tho' hitherto ſupported by great Sums of Money given by Parliament, and granted by a Royal-Charter to the preſent Truſtees: For you will find by the ſecond Article of this Convention, that the poor People, who, under the Protection of this Government, have tranſported themſelves thither, are to be left naked and defenceleſs, expoſed to the Mercy of the Spaniards, whenever they pleaſe to attack them, by being reſtrained from the Means of Self-preſervation. For by that Article it is agreed, that neither the Spaniards nor they ſhould raiſe any Fortifications.

'Now, Sir, I can ſee but one Reaſon, why this was ſtipulated in the Manner I have mentioned, for it regards only us (we demanding no Part of the King of Spain's Territories) and that is this; our Miniſters finding that Spain did not much like our Settlement at Georgia, and they not daring, by a ſolemn Treaty to yield it up, they might whiſper the Spaniſh Miniſters, and tell them we are ſorry we don't dare give it you up, but we will agree it ſhall be left defenceleſs, and then you may eaſily take it, and we not called to an Account for it: This is not at all improbable, when we conſider how induſtrious our Miniſters have been to find out Expedients to be well with Spain, for the Good of their Country.

'Now I have been ſhewing you what I apprehend we ſhall loſe; let us ſee a little what it is we have a Proſpect of getting: That of no Search, free Navigation, and Satisfaction to our Merchants, I am ſure it won't be, for the Reaſons I have mentioned before, as well as from what fell from the honourable Gentleman that ſpoke laſt; for it is not to be ſuppoſed, but what as far as fair Means would go every Method has been already try'd: And he juſt now as

good

good as told us, we could proceed by no other: For that we had neither Money to go to War with, nor Friend, nor Ally in the World to ſupport us; and he muſt know, who has been our grand Negotiator for theſe laſt twenty Years; a pretty Account, I muſt own, he has given us of the Succeſs of his Negotiations, as well as prudent Declaration from one in his Poſt.

'But by this Treaty he tells us, there is to be ample Satisfaction given to our Merchants; how far they are ſatisfy'd with the Convention the Houſe may judge, from what they have heard them declare at the Bar.

'He ſays, they are to receive 155,000 *l.* will be in full Satisfaction for their Loſſes tho' by the Bye, their Demands on Spain were for 340,000 *l.* but our Commiſſary, by a Stroke of his Pen, reduced them to 200,000 *l.* being as he thought full enough for our Merchants, and then to induce Spain to Prompt-Payment 45000 *l.* more was ſtruck off, which brings it to the Sum the honourable Gentleman has mentioned Spain is certainly to pay us: And upon this Point, I find, he chiefly ſeems to extol the Goodneſs of the Convention, and the Ability of the Miniſters in bringing Spain to this Condeſcenſion: For that Spain paying the Money was owning her Fault, and declaring the Illegality of her Proceedings: In anſwer to this, in the firſt place, I don't believe Spain will ever pay us a Farthing of the Money; and in the next Place, ſuppoſe the Money mentioned ſhould be paid the Merchants, let us ſee how much Spain is to pay us of it.

'Why in the firſt Place towards making up the 155,000*l.* for the Satisfaction of the Merchants, Spain inſiſts on England allowing her 60000 *l.* as the remaining Part of a Debt due to her for having deſtroy'd her Fleet in the Year 1718. Very gracious indeed, that they did not carry her Demands as far back as Queen *Elizabeth*'s Reign, for the Fleet then deſtroy'd!

'But as ſtrange as this Demand of Spain may ſeem from her, it is much more ſo in thoſe who have agreed to it, for it has been already once ſatisfy'd, as appears by thoſe Papers on your Table, which are Copies of the Inſtructions ſent to our Miniſters in Spain at the Treaty of Seville, wherein is mentioned as follows. 'In caſe Spain ſhall make 'any further Demands of you for the Loſs of their Fleet, 'deſtroy'd by Sir George Byng, afterwards Lord Torrington, 'you are to tell the Spaniſh Miniſters, that Spain has been 'already amply ſatisfy'd, and you are not to enter into any 'farther Diſcuſſion with them on that Head.'

'Another Time Spain paid themſelves this Demand by

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ſeizing the South-Sea Company's Effects, Spain at that Time declaring, that they were ſeized and kept on that Account: But what does it ſignify, if for the Sake of obtaining this moſt advantageous Convention we ſhould pay it her at this Time. And then it reduces what Spain is to pay us, to 95000 *l.*

'In the next Place, towards paying the 95000 *l.* the King of Spain inſiſts by his Proteſt as I mentioned before, That the South-Sea Company ſhall immediately pay him 68000 *l.* being a Debt due to him from the Company, on one Head of Accounts, tho' at the ſame Time, on other Heads of Accounts, his Majeſty is indebted to the Company a Million over and above, as appears on your Table, for which they are to ſtay his Time.

'Now theſe two Sums make 128,000 *l.* that I think England is to pay our Merchants inſtead of Spain (if ever paid) ſo there remains but 27000 *l.* for Spain to pay; of which 27000 *l.* ſhe has taken Care to be excuſed from paying one Farthing, as appears by the Stipulations by way of Draw-back, inſerted in the 4th Article of the Convention, and the 2d ſeperate Article.

'For by thoſe Articles Spain is to deduct out of the Money ſhe is to pay whatever ſhe may have already given in Satisfaction for any of our Ships that have been taken: And England is alſo to allow Spain the Value of the St. Thereſa, a Ship of theirs that had been ſeized in the Port of Dublin in the Year 1735. All this is to be ſettled by our Plenipotentiaries, and I think we ſhall come off well, if on the Balance of Accounts inſtead of receiving the 27000 *l.* we ſhan't be obliged to pay an Overplus to Spain. Here ends, Sir, a ſhort Narrative of the ample Satisfaction England is to receive from Spain for the 340,000 *l.* due to her Merchants. A moſt glorious Convention I muſt own, and ſuch a Maſter-Piece in Politics, that I dare ſay none of the Machiavilians of the Age, but our own at the Head of Affairs, could have thought of!

'But yet, after all this, we ſhall be told I dare ſay, that this thorough Diſlike to the Convention, and Flame the Nation is in, is raiſed only by a Parcel of Merchants and diſcontented People, who only want to turn out the Miniſters.

'No, Sir, that is not the Caſe, for it is not the Miniſters but their Meaſures that have kindled this Flame: Facts will always ſpeak for themſelves, and Merchants will always know their own Intereſt.

'But when the continued Depredations on our Merchants, the repeated Inſults on the Honour of the Nation, the Cruelties and Barbarities exerciſed on our Sailors, our Country

Countrymen thrown into Dungeons, and chained like Slaves; I ſay when this is conſider'd, and no more Proſpect of Redreſs from this Convention than a Piece of waſte Paper, no wonder that the Heart of every Engliſhman ſhould be enflamed. Anno 12 Geo. II. 1738-9.

'I beg Pardon, Sir, for having taken up ſo much of your Time, but ſhall be againſt this Addreſs to his Majeſty, becauſe I look on this Convention as diſadvantagious to the Merchants, diſhonourable to King, and ignominious to the Nation.'

Mr. How, * Member for Wilts, ſpoke as follows.

SIR,

'I imagine what Gentlemen propoſed to themſelves by examining the Convention was to obſerve, indeed, and point out any Miſtakes that might be in it; but with this Intention only, that they might thereby aſſiſt and enable (as is our Duty) thoſe who have the Conduct of Affairs, to bring them to the happy Iſſue of eſtabliſhing, by peaceable Means, all our ſeveral Rights, and more particularly that of a free Navigation, ſubject to no Search; determined at the ſame Time, if amicable Means fail, to defend our Rights by the ſtrongeſt Methods. But it ſeems I am miſtaken, for the Intent of ſome Gentlemen proves to be, to lay aſide all Endeavours for Peace, and to enter immediately upon War; but I muſt be excuſed from joining with them in that, and ſhall continue my View of preſerving and ſecuring, by amicable Means, all our Rights, agreeable to the Advice we ourſelves gave his Majeſty.—I do not think, Sir, the Conſideration of the Convention itſelf to be of ſo extenſive a Nature as it may at firſt appear; I will therefore confine myſelf very cloſely to it, that I may not treſpaſs too long upon the Indulgence of the Houſe: And as it is a Point entirely National, I will exclude all Conſiderations but what are National: Neither Friendſhip, nor, what is yet more powerful, its Contrary, nor any of the narrow Views of Party ſhall find the leaſt Admittance. The Opinion I ſhall deliver you will be that of a plain Country Gentleman, who lives upon his Rents, and being ſatisfied his Rents depend on the Trade of the Nation, will be careful no way to injure that Trade upon which his own Revenue depends: And as that is to be the Caſe of all landed Men, we ought to be very cautious in our Proceedings to avoid every Thing that may any way obſtruct that good Succeſs in this Negotiation, which it is ſo particularly our Duty to further and advance, and to which any raſh or unadviſed Step may prove very detrimental; for all foreign Mr. How.

* Since created a Peer of Great Britain by the Title of Baron of Chedworth.

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Courts give great Attention to our Parliamentary Proceedings, eſpecially thoſe who are at Variance with us, and perhaps much more to the Proceedings of the leſſer, than of the greater Number. But upon this Head, and that of Treaties in general, I ſhall only repeat the Words of Sir William Temple, a Perſon well verſed in Negotiations, who writing of a Circumſtance of Time much reſembling ours ſays, 'It will be always Labour in vain, to make Treaties 'and carry on Negotiations Abroad, unleſs there is at 'Home an Union to ſupport them.'

'I laſt Year gave my Conſent to this Meaſure for Peace, to which the Houſe adviſed his Majeſty: But if I had not, yet as it is by the Advice of Parliament, and by the Crown's purſuing that Advice, become the Meaſure of my Country, I ſhould now have thought it indiſpenſably my Duty to contribute to my Country's Succeſs in it. Such was the Maxim of that People, who ſhew'd the moſt public Spirit, and who kept their Liberty the longeſt. They, after the warmeſt Diſputes in the Senate, always concluded unanimouſly with that candid and generous Expreſſion, *Quod bene vertat Reipublicæ:* And as all Nations agree in that Maxim, I hope we ſhall now put it in Execution —.

'But, Sir, I proceed to the Convention itſelf, but will take it up no higher than the laſt Seſſion of Parliament, which gave Birth to it, and will avoid bewildering myſelf, either in the Labyrinth of Treaties, or Accounts.

'In the laſt Seſſion of Parliament, the moving Relations which the Merchants gave you of their Loſſes, the compaſſionate Senſe you expreſſed of them, and the juſt Indignation that aroſe in every Man's Breaſt induced this Houſe to addreſs his Majeſty, That he would endeavour, by amicable Means, to procure Reparations of their Loſſes, and Security for their future Trade; and that, if thoſe Meaſures ſhould fail, we would ſupport him in ſuch as he ſhould then find neceſſary. Here, Sir, give me leave to obſerve, that we aſſured him of our Support in the former Meaſure, as well as in the latter, and not only ſo, but in the former preferably to the latter; which Aſſurance I hope we ſhall make good.

'In conſequence of this our Advice, Negotiations were entered into, and a Convention or Agreement ſigned, by which a certain Sum was ſtipulated for Reparation of our Loſſes, and a certain Time limited (a Circumſtance not to be over-looked) in which all other Matters in diſpute are to be diſcuſſed, and ſettled according to the Treaties now in Being, and all Power of Treating to determine at that Time; This I think to be the State of the Convention,

and

and do think the Convention to be agreeable to our Advice: What is poſitive in it, is unqueſtionably right; what is undetermined, and left to be diſcuſſed by the Plenipotentiaries, no one can ſpeak of with certainty. All therefore that I ſhall ſay on that Subject is, that I moſt heartily wiſh, the Event may be the procuring us Security for all our Rights, and particularly for that of an uninterrupted Navigation, free from all Search; but as the Event is in the Breaſt of Time, which no one can fathom, and as I ought to hope the beſt, I can by no Means give myſelf Leave to think of making ſo raſh, ſo deſperate a Step, as at once to break thro' all Meaſures for Peace taken by our own Advice: Nor can any Thing be more unwarrantable than to refuſe to let thoſe Meaſures, ſo adviſed by ourſelves, be try'd to the End of the no long time, to which they are confined, and inſtead of that to plunge immediatly into a War, which is the Tendency of all the Arguments on the other ſide of the Queſtion. And now, Sir, that I have mentioned War, I cannot but beg Gentlemen to reflect, that if our Rights can be preſerved without War (and no one can take on himſelf to ſay that is impoſſible) what a Load of Blood will he draw on his own Head, who ſhall engage his Country in an unneceſſary War! Now the Convention ſtanding thus, it agrees perfectly with the Advice we gave the Crown, and does fully warrant the Addreſs we are moved to make; and in which I could not but imagine we ſhould all have united; ſince by it our Right of free Navigation, without Search, which ſome were jealous was to be given up, is ſo fully aſſerted and ſecured. Anno 12 Geo. II. 1738-9.

'The firſt and greateſt Objection made to the Convention is, That the Miniſters have not begun with the proper Article, nor in a proper Manner. I think, Sir, that Method muſt be undoubtedly the beſt, which leads moſt readily and ſafely to the deſired End; and to me it does plainly appear that the Method, which ſome Gentlemen think ought to have been taken, would have entirely diſappointed and defeated it. They are pleaſed to ſay, that the Negotiations ought to have begun with the Point of Search, and with declaring to Spain, that if ſhe would not, at once, inſtantly give up that Point to us, tho' 'tis the principal one in diſpute between us, we would not treat at all with them. Surely, Sir, ſuch an abrupt and arbitrary Proceeding could have had no other Effect but that of putting an End at once to all Thoughts of peaceable Meaſures; ſuch a Method as that, no one, even in private Life, would have ſubmitted to; nor could any Thing but Confuſion have attended it. But now what Diſadvantage can come to us by permitting

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mitting our Right to be debated? Which is the Objection. Why, it is ſaid, that by ſuffering it to be debated, it is weakened, and brought in Doubt. Surely No, Sir; but on the contrary, it is thereby ſtrengthened and freed from all Doubt: A good Title always receives Advantage from Examination; none but a bad one flies the Light; and had we refuſed to let ours be examined, would not that have ſhewn a Doubt of it, even in ourſelves? But further; Do not the Spaniards, by ſubjecting likewiſe their Pretenſions, equally weaken them? They certainly do: What Advantage do they then get by it? None at all. But we get a manifeſt Advantage by it; for whoever conſiders the Clauſe in the Addreſs propoſed relating to Freedom from Search muſt agree, that our Plenipotentiaries cannot now give that up: We have then this Advantage by permitting our Title to be examined, that our Right cannot ſuffer any Diminution, but may receive a Confirmation by it. Thus, Sir, it appears plainly, that the Method ſome Gentlemen think ought to have been taken would have been ſucceſsleſs; and undeniably plain it is likewiſe, that the Method purſued has been attended not only with the Succeſs of procuring Reſtitution for our Loſſes, but at the ſame time, and thro' that, with the further Advantage of drawing from the Spaniard at leaſt an imply'd Admiſſion of our Right; and they who deny that, and treat it with the utmoſt Slight, cannot however diſpute but that it furniſhes us with a new Argument, and does open and make plain the Way to a more formal Recognition: It therefore appears to me to have been evidently the more preferable Method.

'The next Objection, which has any Shew of Weight in it is, that a great Sum of Money in fitting out a Fleet, and a great deal of Time have been waſted, and had no Effect. As to the Effect of the Fleet, I deſire the Gentlemen to conſider, how little Spain is (according to their own Accounts) diſpoſed to do us the leaſt Juſtice, and then I leave it to them to determine, what Influence our Fleet muſt have had. And as to the Time ſuppoſed to have been waſted I muſt obſerve, that leſs Time will ſerve indeed to do a wrong than to do a right Thing: The Miniſters had Time enough to plunge us into an unneceſſary War; but as to what Time is required to adjuſt and ſettle the numerous and jarring Intereſts of two great Nations, who have Poſſeſſions in all Parts of the World, they who are leaſt Maſters of ſuch Affairs, will be moſt apt to think it an eaſy Taſk that requires but little Time. But further, as to the Time I muſt obſerve, that beſides the Reſtitution of our Loſſes, and the at leaſt imply'd Admiſſion of our Right to be free from

from all Search, more has been done in the Time, than does at firſt appear; for in conſidering the ſeveral Things, in order to make this Convention, moſt of the Points in diſpute muſt neceſſarily have received ſuch a Degree of Diſcuſſion, as will prepare them for a more eaſy Determination. I cannot therefore think, that either the Time or the Money has been ſo miſ-ſpent. In the Light therefore that I ſee the Convention, and the Objections made to it, I cannot but think the Addreſs propoſed (which is the Point in Debate) to be a very proper one. It gives me, Sir, infinite Pleaſure, as I conceive it will the Kingdom great Satisfaction, by the Declaration in it againſt all Search: The People have been blown up into an Imagination that their Right of Navigation, free from all Search, was to be given up and ſacrificed; and a very great Ferment has been raiſed in the Nation by it, which I hope will ſubſide, when they ſee, by our Addreſs, how little Foundation ſuch a Report had; and that they will now reſt aſſured, that if we cannot ſucceed in our well-intentioned Endeavours of ſaving them from that Increaſe of Taxes, which a War muſt unavoidably lay upon them, and that a War ſhall prove unavoidable, their Rights will in caſe of a War be defended with that Reſolution which always attends Sedateneſs of Counſel, and is never found to accompany raſh Meaſures. Indeed, Sir, I think that in the preſent Circumſtance of Things no other Reſolution can reaſonably be taken by the Houſe but that contained in the Addreſs. I can have no Intereſt to injure my Country; and did I not think this Addreſs tended to advance the Good of it, my own as well as the public Intereſt would diſincline me to it: But as I do moſt ſincerely think it for the Good of my Country, it muſt have my Approbation.'

Anno 12 Geo. II. 1738-9.

Mr. Pitts,

' I can by no means think that the complicated Queſtion now before us is the proper the direct Manner of taking the Senſe of this Committee. We have here the ſoft Name of an humble Addreſs to the Crown propoſed, and for no other End but to lead Gentlemen into an Approbation of the Convention. But is this that full deliberate Examination, which we were with Defiances called upon to give? Is this curſory blended Diſquiſition of Matters of ſuch Variety and Extent all we owe to ourſelves and our Country? When Trade is at Stake it is your laſt Retrenchment; you muſt defend it, or periſh; and whatever is to decide that deſerves the moſt diſtinct Conſideration, and the moſt direct undiſguiſed Senſe of Parliament. But how are we now proceeding? Upon an artificial, miniſterial Queſtion: Here is all the Confidence, here is the conſcious

William Pitts, Eſq;

Senſe

Anno 12 Geo. II. 1738-9.

Senſe of the greateſt Service that ever was done to this Country; to be complicating Queſtions, to be lumping Sanction and Approbation, like a Commiſſary's Accompt, to be covering and taking Sanctuary in the Royal Name, inſtead of meeting openly, and ſtanding fairly the direct Judgment and Sentence of Parliament upon the ſeveral Articles of this Convention.

'Sir, You have been moved to vote an humble Addreſs of Thanks to his Majeſty for a Meaſure, which (I will appeal to Gentlemen's Converſation in the World) is odious throughout the Kingdom: Such Thanks are only due to the fatal Influence that framed it, as are due for that low, unallied Condition Abroad, which is now made a Plea for this Convention. To what are Gentlemen reduced in ſupport of it? Firſt try a little to defend it upon its own Merits; if that is not tenable, throw out general Terrors, the Houſe of Bourbon is united, who knows the Conſequence of a War? Sir, Spain knows the Conſequence of a War in America; whoever gains, it muſt prove fatal to her: She knows it, and muſt therefore avoid it; but ſhe knows England does not dare to make it. And what is a Delay, which is all this magnified Convention is ſometimes called, to produce? Can it produce ſuch Conjunctures as thoſe you loſt, while you were giving Kingdoms to Spain, and all to bring her back again to that great Branch of the Houſe of Bourbon, which is now thrown out to you with ſo much Terror? If this Union be formidable, are we to delay only till it becomes more formidable, by being carried farther into Execution, and more ſtrongly cemented? But be it what it will, is this any longer a Nation, or what is an Engliſh Parliament, if with more Ships in your Harbours than in all the Navies of Europe, with above two Millions of People in your American Colonies, you will bear to hear of the Expediency of receiving from Spain an inſecure, unſatisfactory, diſhonourable Convention? Sir, I call it no more than it has been proved in this Debate; it carries Fallacy or downright Subjection in almoſt every Line: It has been laid open and expoſed in ſo many ſtrong and glaring Lights, that I can pretend to add nothing to the Conviction and Indignation it has raiſed.

'Sir, As to the great national Objection, the Searching your Ships, that favourite Word, as it was called, is not omitted, indeed, in the Preamble to the Convention, but it ſtands there as the Reproach of the whole, as the ſtrongeſt Evidence of the fatal Submiſſion that follows: On the Part of Spain, an Uſurpation, an inhuman Tyranny claimed and exerciſed over the American Seas; on the Part of England,

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an undoubted Right by Treaties and from God and Nature, declared and aſſerted in the Reſolutions of Parliament, are referr'd to the Diſcuſſion of Plenipotentiaries, upon one and the ſame equal Foot. Sir, I ſay this undoubted Right is to be diſcuſſed and to be regulated. And if to regulate be to preſcribe Rules, (as in all Conſtruction it is) this Right is, by the expreſs Words of this Convention, to be given up and ſacrificed; for it muſt ceaſe to be any thing, from the Moment it is ſubmitted to Limits. Anno 12 Geo. II. 1738-9.

'The Court of Spain has plainly told you (as appears by Papers upon the Table) you ſhall ſteer a due Courſe, you ſhall navigate by a Line to and from your Plantations in America; if you draw near to her Coaſts, (tho' from the Circumſtances of that Navigation you are under an unavoidable Neceſſity of doing it) you ſhall be ſeized and confiſcated: If then upon theſe Terms only ſhe has conſented to refer, what becomes at once of all the Security we are flatter'd with in conſequence of this Reference? Plenipotentiaries are to regulate finally the reſpective Pretenſions of the two Crowns, with regard to Trade and Navigation in America; but does a Man in Spain reaſon that theſe Pretenſions muſt be regulated to the Satisfaction and Honour of England? No, Sir; they conclude, and with Reaſon, from the high Spirit of their Adminiſtration, from the Superiority with which they have ſo long treated you, that this Reference muſt end, as it has begun, to their Honour and Advantage.

'But Gentlemen ſay, the Treaties ſubſiſting are to be the Meaſure of this Regulation. Sir, as to Treaties, I will take Part of the Words of Sir William Temple, quoted by the Honourable Gentleman near me, *It is vain to negotiate and make Treaties*, if there is not Dignity and Vigour to enforce the Obſervance of them; for under the Miſconſtruction and Miſinterpretation of theſe very Treaties ſubſiſting, this intolerable Grievance has ariſen; it has been growing upon you Treaty after Treaty, thro' 20 Years of Negotiation, and even under the Diſcuſſion of Commiſſaries to whom it was refer'd. You have heard from Captain Vaughan at your Bar, at what Time theſe Injuries and Indignities were continued; as a kind of explanatory Comment upon the Convention Spain has thought fit to grant you; as another inſolent Proteſt, under the Validity and Force of which ſhe has ſuffer'd this Convention to be proceeded on. We'll treat with you, but we'll ſearch and take your Ships; we'll ſign a Convention, but we'll keep your Subjects Priſoners, Priſoners in Old Spain; the Weſt-Indies are remote, Europe ſhall be Witneſs how we uſe you.

Anno 12 Geo. II. 1738-9.

' Sir, As to the Inference of an Admiſſion of our Right not to be ſearched, drawn from a Reparation made for Ships unduly ſeized and confiſcated, I think that Argument is very inconcluſive. The Right claimed by Spain to ſearch our Ships is one Thing, and the Excceſſes admitted to have been committed, in conſequence of this pretended Right, is another; but ſurely, Sir, reaſoning from Inferences and Implication only, is below the Dignity of your Proceedings upon a Right of this vaſt Importance. What this Reparation is, what Sort of Compoſition for your Loſſes, forced upon you by Spain in an Inſtance that has come to Light, where your own Commiſſaries could not in Conſcience decide againſt your Claim, has fully appear'd upon Examination; and as for the Payment of the Sum ſtipulated, (all but ſeven and twenty thouſand Pounds, and that too ſubject to a Drawback) it is evidently a fallacious, nominal Payment only. I will not attempt to enter into the Detail of a dark, confuſed, and ſcarcely intelligible Accompt; I will only beg Leave to conclude with one Word upon it, in the Light of a Submiſſion, as well as of an adequate Reparation. Spain ſtipulates to pay to the Crown of England ninety five thouſand Pounds; by a preliminary Proteſt of the King of Spain, the South-Sea Company is at once to pay ſixty eight thouſand of it: If they refuſe, Spain, I admit, is ſtill to pay the ninety five thouſand: But how does it ſtand then? The Aſſiento Contract is to be ſuſpended: You are to purchaſe this Sum at the Price of an excluſive Trade, purſuant to a national Treaty, and of an immenſe Debt of God knows how many hundred thouſand Pounds due from Spain to the South-Sea Company. Here, Sir, is the Submiſſion of Spain by the Payment of a ſtipulated Sum; a Tax laid upon Subjects of England, under the ſevereſt Penalties, with the reciprocal Accord of an Engliſh Miniſter, as a Preliminary that the Convention may be ſigned; a Condition impoſed by Spain in the moſt abſolute imperious Manner, and received by the Miniſters of England in the moſt tame and abject. Can any verbal Diſtinctions, any Evaſions whatever, poſſibly explain away this public Infamy? To whom would we diſguiſe it? To ourſelves and to the Nation: I wiſh we could hide it from the Eyes of every Court in Europe: They ſee Spain has talked to you like your Maſter, they ſee this arbitrary fundamental Condition, and it muſt ſtand with Diſtinction, with a Pre-eminence of Shame, as a Part even of this Convention.

' This Convention, Sir, I think from my Soul is nothing but a Stipulation for national Ignominy; an illuſory Expedient to baffle the Reſentment of the Nation; a Truce without

without a Suſpenſion of Hoſtilities on the Part of Spain; on the Part of England, a Suſpenſion; as to Georgia, of the firſt Law of Nature, Self-preſervation and Self-defence; a Surrender of the Rights and Trade of England to the Mercy of Plenipotentiaries, and in this infinitely higheſt and ſacred Point, future Security, not only inadequate, but directly repugnant to the Reſolutions of Parliament, and the gracious Promiſe from the Throne. The Complaints of your deſpairing Merchants, the Voice of England has condemned it; be the Guilt of it upon the Head of the Adviſer; God forbid that this Committee ſhould ſhare the Guilt, by approving it!'

Anno 12 Geo. II. 1738-9.

Mr. Lytelton,

SIR,

George Lytelton, Eſq;

'From ſome Words that fell from an Honourable Member who ſpoke in this Debate, I ſhall begin by wiſhing in the moſt ſolemn Manner, by making it my moſt ardent Prayer, that the mercantile Intereſt may be the only Biaſs of our Deliberations To-day; and that neither the Intereſt of a Party, nor much leſs that of any ſingle Man, may prevail over this, which is the national Concern. For then we ſhall do our Duty in this great Affair, and our Deciſion of it will do Honour to Parliament. But before I enter further into this Debate, I beg Leave to take Notice of ſome Words that dropt from an Honourable Gentleman, who ſpoke the firſt upon this Queſtion, and which I heard with the deepeſt Concern.

'After he had uſed many Arguments to perſuade us to Peace, to any Peace good or bad, by painting out the Dangers of a War, (Dangers I by no Means allow to be what he repreſents them) he crowned all thoſe Terrors with the Name of the Pretender. It would be the Cauſe of the Pretender: The Pretender would come! Is the Honourable Gentleman ſenſible what this Language imports? The People of England complain of the greateſt Wrongs and Indignities; they complain of the Interruption, the Deſtruction of their Trade; they think this Peace has left them in a worſe Condition than before; and in Anſwer to all theſe Complaints, what are they told? Why, that their continuing to ſuffer all this, is the Price they muſt pay to keep the King and his Family on the Throne of theſe Realms. If this were true, it ought not to be owned. Will it ſtrengthen the Family to have it believed? But it is far from true; the very Reverſe of it is true: Nothing can weaken the Family, nothing can ſhake the Eſtabliſhment, but ſuch Meaſures as theſe, and ſuch Language as this.

Anno 12 Geo. II. 1738-9.

* ‘ Sir, I know who hears me, and for that Reaſon I ſpeak.—The Honourable Gentleman who firſt moved you this Queſtion, and ſome Gentlemen ſince, have ſtrongly inſiſted, and it was the Sum of all their Arguments, that our Right not to be ſearched is not referr'd to the Diſcuſſion of Plenipotentiaries, they are only, it ſeems, to conſider how to remedy Grievances. What Grievances, Sir, do the Gentlemen mean? The Grievances of England! They admit but of one Remedy, a very ſhort and ſimple one, and which wants no Conſideration: That our Ships ſhall not be ſearched upon any Pretence. This alone can go to the Root of our Grievances; all leſs than this is trifling, hurful, fatal to Commerce. Do they mean the Grievances of Spain? The illicit Trade? The Remedy for that too is already provided; it is already ſettled by our Treaties with Spain, that we are not to trade in their Ports and Havens in America; but if our Ships are found there, they muſt be confiſcated. Is not this ſufficient? I defy the Honourable Gentleman who has ſo much Skill in Negotiation, to diſcover another Expedient to ſecure the Spaniards from illicit Trade, which will not be deſtructive to the lawful Trade of Great Britain; and, I hope, we ſhall be more ſolicitous for our own than for theirs. The Honourable Gentleman ſaid, the ſettling this would take up ſome Time: It will indeed, Sir, for it will never be ſettled; it is morally impoſſible it can ever be ſettled; and therefore, I think it ought not to have been brought into Diſpute. Had we proceeded conformably to the Intentions of Parliament, we ſhould either have acted with Vigour, or have obtained a real Security, in an expreſs Acknowledgment of our Right not to be ſearched, as a Preliminary *ſine quâ non* to our treating at all. This we ought to have inſiſted on in the Words of *La Quadra*'s Proteſt (which is the Preliminary *ſine quâ non* of that Crown) we ought to have inſiſted on it in thoſe very Words, as ‘ the preciſe, and ‘ eſſential Means to overcome the ſo much debated Diſputes, ‘ and that on the Validity and Force of this expreſs Acknowledgment, the ſigning the Convention may be proceeded on, and in no other Manner.’ Inſtead of this, what have we done? We have referr'd it to Plenipotentiaries. Is not this weakening our Right? Would you, Sir, ſubmit to a Reference, whether you may travel unmoleſted from your Houſe in Town to your Houſe in the Country? Your Right is clear and undeniable, why would you

* His Royal Highneſs the Prince of Wales was at that Time in the Gallery.

you have it diſcuſſed? But much leſs would you refer it, if two of your Judges belonged to a Gang, which has often ſloped and robbed you in your Way thither before.—— Anno 12 Geo. II. 1738-9.

'Things that are of a Nature to admit of Temperaments in each Party may recede from their reſpective Pretenſions, and come to a Medium to conclude the Diſpute; ſuch Things allow of a Diſcuſſion, and may be referr'd; but when no Medium can be found, when the Caſe admits of no Temperaments, where to recede one Tittle, is to give up the Queſtion, there to agree to a Diſcuſſion, is to endanger the whole: At beſt, it can end in nothing but in both Sides adhering to their Claim, and leaving all in Uncertainty, to go on as before. And can any thing worſe befal us? Is not this Deſtruction itſelf?

'Oh but, ſaid the Honourable Gentleman, we have gained a great Point, in bringing Spain to acknowledge, by the preſent Convention, that Grievances have ariſen in the Searching of Ships, and that Means to remedy theſe Grievances ought to be found out! Sir, Was this ever denied? Did Spain ever deny, that her Guarda Coſta's had ſometimes committed Exceſſes, that is, ſearched a little too wantonly, gone a little too far, made ſome irregular Seizures, and that this ought to be remedy'd? All this is expreſsly confeſſed in La Quadra's Letter to Mr. Keene, dated the 10th of February laſt Year, before we ſent out our Fleets, and that Orders ſhould be given for Reparation, when ſuch Exceſſes are proved. But does this amount, or do the Words of the Treaty amount to any thing like a departing from their Pretenſion to Search? No —— they are only a Modification of it to a certain Degree, which is a Defence of the Practice itſelf, and we thought ſo laſt Year, or why did we judge that Letter ſo unſatisfactory? But, Sir, pray conſider, our Right not to be ſearched is a very ſhort Point, wants no Diſcuſſion, does not depend upon Arguments of any Difficulty to examine or to comprehend. The King of Spain muſt have known, for this Twelvemonth at leaſt, what he ought to think of it, and whether he will yield it or no. The only imaginable Reaſon of his chicaning ſo long is, that he ſuſpected a Weakneſs in the Counſels of England. What was then only Suſpicion, is now turned into Certainty; and if that will make him more pliant, it is eaſy to judge.——

'As we go on with our Politics, ſo will the Spaniards with theirs. Ours have been to procraſtinate, to put off a War at any rate, to live upon daily Expedients, to endure and to treat: Theirs have been to fool us with the Name of Peace, and to commit all Sorts of Hoſtilities on our Merchants

Anno 12. Geo. II. 1738-9.

Merchants and Trade, to plunder and butcher the former, and to ruin the laſt. Thus it has been; thus it will continue to be. —How we find our Account in it I am unable to gueſs! How Spain finds hers in it, is too plain at firſt Sight! If that Court were bent upon undoing this Nation, they need only leave us to the Conduct we hold. What could they deſire better, than for eighteen Years more to interrupt our Navigation, and deſtroy our Trade, put us to the Charge of half a Dozen pacific Fleets, furniſh us with a Pretence for a numerous Standing-Army to conſume us at Home, render us the Scorn of Europe, and at laſt, to make us Amends, account with us ſo as to receive or detain much more than they give, and keep the Claim ſubſiſting upon which they robbed us ſo long? But it would be better for England to ſubmit at once, throw up the Trade to our Colonies, and the Colonies themſelves, than to leave our Merchants expoſed to ſuch inhuman Cruelties, and ſuffer ourſelves to be mocked with Forms of Juſtice and Law, while we are the Prey, and Sport, of all Injuſtice and Violence, or with inſignificant Treaties, which inſtead of giving us Security ſerve as a Pretext and Sanction for all future Injuries.

'But we are deſir'd to have Confidence, to have Hopes in the Wiſdom and Succeſs of the Meaſures which his Majeſty is adviſed to purſue.

'Sir, the People of England fear much more than they hope.—And have not they Reaſon? What can a Review of the paſt produce, but Dread of the future? Have not theſe Depredations for theſe 20 Years increaſed Year after Year? How many Fleets have been ſent out in that Time? What were they to do for us? To perſuade the Spaniards.—To what did they perſuade them? To make Conventions and Treaties.—What have we got by thoſe Treaties? New, and greater Inſults and Wrongs. This was enough to induce us to ſuſpect even laſt Year, that with all our Appearances of Vigour, we ſhould do nothing effectual; but thoſe Suſpicions were borne down by the ſtrong Aſſurances given, that we ſhould not meet here again and find nothing done. What has been done, Sir? What is the Fruit of our Armament? A temporary Expedient, a poor, unſafe Procraſtination, a ſhameful Barter of our future Security, for the Name of Reſtitution, which, indeed, we make to ourſelves. I won't tire you with repeating what has been ſo fully made out; but when I compare this nominal, this ridiculous Satisfaction, with the ſerious Riſk we run of loſing our moſt valuable Rights, I dare be bold to ſay, no

other

other Nation under Heaven ever ſtaked their Honour and Intereſt againſt *ſuch Counters* as theſe. Anno 12. Geo. II. 1738-9.

'And are we to go on ſtill hoping, truſting ſtill in ſpite of Experience? Are our Reſentments perpetually to be play'd with in this Manner, ſhifted off from Expedient to Expedient, and from Seſſion to Seſſion, adjourned from one Treaty to another, and ſo on to a third? If you don't like this, you ſhall the next; and when that comes, if you don't like that neither, you may go to War. Is this the Language to be held to a Parliament?—

'But Gentlemen aſk, what have you loſt by deferring your War?—What have we loſt? All that we gave to make it laſt Year.—We have loſt much too of our Reputation, much of the Eſteem of Mankind, much of the Affection of our People, which is the worſt of all Loſſes. But I beg Leave to ſay, in anſwer to a great deal of Reaſoning which I have heard from many Gentlemen, and heard with great Pain, that the Queſtion is not, whether War or Peace be more eligible; the Queſtion now is about maintaining your Rights. If Spain believed us in earneſt, if ſhe did not depend upon our Timidity, it is ſcarce conceivable this ſhould coſt us a War. But if it did bring on one, it is a War of Neceſſity, and it is a War, in which our Neighbours have a common Cauſe with us. What was ſaid of the War againſt the Pirates, it would be *Bellum omnium gentium*. Would France take Arms to overturn a general Right, which it is as much her Intereſt to ſupport as ours? Would ſhe fight to eſtabliſh in the Crown of Spain a Power deſtructive to the Freedom of Commerce, and a ſupreme Dominion in the American Seas; or to impoſe that upon England, which ſhe muſt refuſe for herſelf? Upon the Foot of all Treaties this is quite impoſſible: We muſt be uſed as the *Gens amiciſſima*; if France, or any other Nation ſhall retain this Right for themſelves, they retain it for us too; it is ours by Conſequence. Will ſhe break all Treaties then to take it away? This would be acting with a Spirit or Violence, which does not ſeem to be in her now, and which, whenever it ſhews itſelf, muſt unite all Europe to oppoſe its Effects. Should not we find one Friend among ſo many Allies? Have we negociated all the World into Enemies, united them all to our Deſtruction? If, by the Conduct of our Miniſters, Things are brought to ſuch an Extremity, that we are reduced to the Neceſſity of periſhing in the juſt Defence of our Rights, or of periſhing equally by loſing them; the Choice is eaſy to make; let us periſh like Men, and with Swords in our Hands. But don't let us have the Weakneſs to expect our Safety from thoſe, who have

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have brought a flouriſhing Nation to ſuch a dreadful Alternative.—What is this wretched Reprieve that we have begged for eight Months? Will that do us any good, Sir? Will that be worth our Acceptance? Do we really flatter ourſelves that we now are at Peace? Peace is a ſecure and unmoleſted Enjoyment of our Rights.—But Peace, at the Expence of Rights, of eſſential Rights, Peace expoſed to Inſults, Peace expoſed to Injuries, is the moſt abject, is the moſt deplorable, is the moſt calamitous Circumſtance of human Affairs. It is the worſt Effect that could be produced from the moſt unſucceſsful, the moſt ruinous War. No Nation ſhould ſubmit to it, while it can hold up its Head: But to ſuch a one have we ſubmitted, without ſtriking a Stroke, and in a Condition to defend ourſelves, not againſt the Spaniards alone, but if our Strength were wiſely exerted againſt any Enemies, whom in ſuch a Quarrel we might have to oppoſe, notwithſtanding all the Terrors now thrown out to make us believe, that the Nation itſelf is as weak as our Enemies may think, the Counſels that govern it. Yet though the Weakneſs is not in us, we muſt ſuffer the Shame of it, and all the Miſchiefs attending upon Loſs of Honour to a Nation. With what Contempt and Inſolence are we uſed by Spain, when in the ſame Treaty where ſhe ſtipulated that we ſhall not have Liberty to fortify Charles-Town itſelf, which is as undoubtedly ours as London or York, that we muſt not dare to dig a Ditch about it till this Diſcuſſion is paſt; ſhe has not granted us a ſhort Suſpenſion of Hoſtilities, a temporary Obſervance of Treaties in not Searching our Ships? So that, far from having a Peace, we have not got ſo much as a Truce. For ſure the worthy Member over the way did not believe himſelf when he argued, that to have aſked a Ceſſation of Injuries would have been allowing their Claim. If a Man were at Law with me for my Eſtate, without any Title at all, and the Caſe was referr'd to Arbitrators, ſhould I let him cut down my Woods, and make what Waſte he pleaſed, till the Suit was decided, for fear he ſhould interpret the forbidding it, as an Admiſſion of his Claim? Sure an Acquieſcence under it would admit it much more.

'But, Sir, the worſt of all Indignities is his Catholic Majeſty's Behaviour with regard to the South-Sea Company in La Quadra's Proteſt. That he ſhould not deign to ſubmit his Accounts with them to a Reference, to which we have ſubmitted Things of ſuch infinite Conſequence, as the Right we have to our Dominions, and the Security of our Trade; that he ſhould value our Friendſhip ſo little, as not even to grant us this Treaty, unleſs out of an unliquidated Account,

Account the Part he claims be inſtantly paid, without any regard to the Balance, or that upon a Refuſal of this, he ſhall deprive the Company of their Trade; that this ſhould be the only Condition of his agreeing to ſign this Convention, and that we ſhould take it on theſe Terms is indeed aſtoniſhing, even to thoſe who are uſed to conſider the repeated Inſults of Spain, and the habitual Tameneſs of England.— Anno 12. Geo. II. 1738-9.

'Sir, I entirely agree to what has been ſaid by ſome Gentlemen, that the Non-compliance of the Company to this monſtrous Demand will not forfeit what is ſtipulated to be paid to our Merchants, nor directly annul the Convention. —To be ſure it will not. But the Penalty annext to it, is the depriving the Company, during the Pleaſure of Spain, of the Benefits of the Aſſiento Trade, and probably too the Loſs of their Debt, againſt Right and Juſtice, and the Senſe of all Treaties. Will our Government admit of this? Will they agree to it as juſt? If they do, it is evident, this great Body of our Countrymen are put out of his Majeſty's Protection, and left at the Mercy of Spain; and it is no leſs evident, that we buy this Convention at the Expence of a great national Intereſt, and by a Breach of national Faith, of the Honour and Juſtice of Parliament, which has ſold and confirmed this Trade to the Company. To ſay, this is not an Article, what will that avail? It is much ſtronger than an Article, as it is the Baſe of the whole. It is much worſe than an Article, as the doing it in this War has an Air of Tricking and Evaſion, that would ſhame an Attorney. Gentlemen may diſtinguiſh and refine as much as they pleaſe, but on this dirty Foundation this Convention does ſtand. If every other Part of it were as good as it is bad and diſhonourable, this alone ſhould oblige us to reject it with Scorn.——With Scorn, Sir, let us reject it, that to all we have ſuffer'd before, to all the accumulated Inſults that were ever heaped on a Nation, a worſe Diſhonour may not be added, and that Diſhonour fall upon the Parliament. And therefore I heartily give my Negative to this Queſtion.'

Sir Robert Walpole.

SIR,

'I am ſorry to hear a Queſtion of this kind treated by one Side as this has been. It has been objected to the Convention, that it is not a definitive Treaty. No, it is not; but it has been proved that it has laid the Foundation for a definitive Treaty; and a Foundation, Sir, that muſt prove laſting to this Nation, and do Honour to every Perſon, Miniſter or others, who have been Inſtrumental in carrying this Negotiation on. For my own Part, Sir, the Sir Robert Walpole.

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greateſt Honour I expect in ſucceeding Times is, that it ſhall be mentioned that I, when a Miniſter, endeavoured by this Convention to extricate my Country out of the moſt diſagreeable Situation ſhe perhaps ever was in, that of going to War with a Nation with whom it is her greateſt Intereſt to be at Peace; and at a Time too, when her doubtful Situation with her Neighbours leaves her very little Room to hope for any Aſſiſtance but from her own Power.

'Gentlemen have already heard in what Situation we are with regard to the other Powers of Europe; they have heard that ſome of them are not in a Condition to give us any Aſſiſtance; and others, tho' they are in a Condition to aſſiſt us, will be very ready to do us all the ill Offices that are in their Power in caſe of a War with Spain. In this Situation, Sir, we have but a very melancholy Proſpect of Succeſs. If we were indeed free of Debt, if the Nation were united within itſelf, and if we had nothing to dread but from Spain, I ſhould be very little apprehenſive about the Conſequences of our declaring War at preſent. But at the ſame Time, Sir, a War with Spain, after the Conceſſions ſhe has made by this very Convention, would on our Part be unjuſt, and if it is unjuſt, it muſt be impolitic and diſhonourable. I can eaſily perceive by what Arts, and by whoſe Means, all the Clamour about this Convention has been raiſed; but I am reſolved, Sir, while I have the Honour to ſerve his Majeſty in the Station I am in, to let no popular Clamour get the better of what I think is for my Country's Good. As a Miniſter, I can have very little to dread from our declaring War with Spain, nay, if I had nothing but my own Caſe and Intereſt to conſult, it would be the ſafeſt and moſt advantageous Meaſure for me that could be purſued; but I ſhall never be for our ſacrificing our real Intereſts for the Purſuits of Military Glory; and tho' I have as great a Regard as any Gentleman poſſibly can have for thoſe who have the Honour to ſerve his Majeſty in a Military Character, yet while I have any thing to ſay in his Majeſty's Councils, I ſhall always be againſt leaving it in their Breaſts to decide the Queſtion of Peace and War. This Nation, as has been obſerved by Gentlemen who have ſpoken againſt our coming to this Reſolution, is a trading Nation, and the Proſperity of her Trade is what ought to be principally in the Eye of every Gentleman in this Houſe. Therefore, Gentlemen, even upon the Suppoſition that this Convention has not ſo effectually anſwer'd the Expectations of this Houſe, ought to conſider whether our declaring War will be for the Benefit of our Trade; they ought to conſider what Proſpect of Succeſs we can reaſonably entertain in caſe

caſe of a War; and whether a ſucceſsful War with Spain alone may not involve us in a very doubtful, and a very expenſive one with other Powers. Theſe are Conſiderations, that while Gentlemen are debating upon this Subject never once ſeem to enter their Thoughts. They lay it down as a Maxim, that we ought immediately to enter upon War; they allow nothing for the Uncertainty of the Event, for the Interruption of Trade, and for the prodigious Expence it muſt be attended with. Anno 12. Geo. II. 1738-9.

'But, Sir, ſetting all theſe Conſiderations aſide, are we to have no regard to common Juſtice? Are we to have no regard for thoſe Treaties, for the Obſervance of which, Gentlemen in all Debates upon this Subject have ſo warmly contended. Theſe Treaties provide abſolutely, that the Navigation to the Spaniſh Weſt Indies ſhall be reſerved to the Spaniards alone, except in the Caſe of our South-Sea Company's Trade. Had this Stipulation no manner of Meaning? And yet it has no Meaning, if what Gentlemen now ſeem to inſiſt upon ſhould be admitted. They inſiſt that our Ships ought never to be ſearched, whenever they are found, and let them be ever ſo near the Spaniſh Coaſts. Pray, Sir, what is the plain Engliſh of this; but that the Trade to the Spaniſh Weſt-Indies ought to be open to every Interloper of ours; for I think no Gentleman has pointed out the leaſt Difference there can be between throwing that Trade entirely open, and our having a Liberty, not only of approaching as near as we pleaſe to their Coaſts, but of hovering on them as long as we pleaſe, without being either ſtopt or ſearched.

'This, Sir, is the plain Engliſh of what the Gentlemen who are for a War with Spain advance; the Convention, on the other hand, ſtipulates, that the Treaties ſubſiſting between the two Crowns ſhould be the Rule of ſettling all manner of Controverſies relating to our Trade. If theſe Treaties are to be the Rules of our Conduct on this Occaſion, we are in no manner of Danger to ſuffer by the Convention, ſince it is allow'd on all Hands, that all we ought in Reaſon to claim is the Obſervance of them. Therefore, Sir, I hope Gentlemen will think fit to agree to the Addreſs.'

The Queſtion being put, the Addreſs was agreed to, Ayes 260, Noes 232. Diviſion Ayes 260, Noes. 232

Next Day, *March* 9, the Report of the Reſolution in the Committee to addreſs his Majeſty on the Convention being read, it was moved that the ſame ſhould be recommitted, which being oppoſed, Sir William Windham ſpoke to the following Purpoſe. Motion that the Reſolution be recommitted.

Anno 12 Geo. II. 1738-9.

Sir William Windham.

SIR,

'Tho' the Propriety of this Addreſs was yeſterday very fully debated, yet there is ſo much to be ſaid againſt it, that the Subject grows upon ones Hands; and tho' we ſat very late, yet as it has been ſaid that ſeveral Things were ſaid for the Reſolution, which were not anſwered, I am ſure that much of what might have been urged againſt it was omitted for want of Time. Therefore, I hope Gentlemen, before they agree to this plauſible, tho' fatal Compliment to the Crown, will at leaſt give a leaving to all that may be urged againſt it; and conſider that this is the laſt Opportunity they can have of ſaving the Trade, the Honour, and even the Independency of this Nation. For, Sir, I will venture to ſay, that if we ſhould agree to the Reſolution of the Committee, theſe muſt all of them receive a moſt irretrievable Blow.

'My Reaſon for thinking ſo is, becauſe if we agree to this Reſolution, we approve of the Convention, and by approving of the Convention we ſacrifiſe every thing that ought to be valuable to a free People, without having any other Return but Infamy and Diſhonour. In order to prove this, Sir, I ſhall conſider the Convention even in the moſt favourable Light it can admit of, without wreſting the Words to a Meaning contrary to what they appear to carry.

'The firſt Article imports that the commercial Intereſts of both Nations cannot be eſtabliſhed unleſs Care is taken both to repair the Damages already ſuſtained, and to prevent the like from happening afterwards. This very Propoſition carries with it a tacit Condemnation of thoſe who have been for ſome time paſt at the Helm of our Affairs. The Complaints of our Merchants and Sailors have laſted for theſe twenty Years paſt; the unjuſtifiable Claims of Spain are of an older Date, but they have never thought fit to avow them, 'till within theſe twenty Years. Now, Sir, ſince, as the Preamble to the Convention takes Notice, it is abſolutely neceſſary for the Intereſt of this Nation that theſe Grievances ſhould be removed, I ſhould be glad to know why they were not removed ſooner. Why have we for theſe twenty Years been negotiating, praying, and entreating? And why has Spain been ſo long ſuffer'd to bully, inſult, and oppreſs us? Why has no Attention been given to the Complaints of our Merchants? Why has the Chicane of that Court been ſo long put up with? Why was it ſo ſhamefully borne with, even after they had owned themſelves to be in the wrong. Is it not notorious, Sir, that the Court of Madrid, ſix, ſeven, or eight Years ago, owned the Injuſtice and Illegality of ſome Seizures; that they have ſent Cedulas to their Governors in America ordering Reſtitution;

and

and is it not notorious that theſe Governors have refuſed to obey theſe Cedulas, and have afterwards been juſtified by the Court of Spain for their Diſobedience? Can any Man be ſo blind as not to ſee what this is owing to? That they granted theſe Cedulas, becauſe at the Time perhaps they had a favourite Point depending with our Court. That they gave us in Appearance ſome Satisfaction, but ſent Orders to their Governors of a quite contrary Nature. To what elſe, Sir, can we ſuppoſe the Diſobedience and Impunity of theſe Governors were owing? The Cedulas were diſpatched to America; perhaps two Months were gone before they arrived there; they were then examined; a thouſand trifling Obſervations were to be anſwered; and ſomething fell in the Way, that before the Governor could make the Reſtitution deſired, muſt be laid before the Court of Spain. Thus at leaſt ſix Months were trifled away, during which time that Court had gained its Point, and they flatly deny'd either to give us the Satisfaction they had before agreed to; or to bring their Governors to any manner of Puniſhment. An Inſtance of this, Sir, you have now lying before you in a Letter communicated by the *Marquis de la Quadra* to our Miniſter, where he tells the latter very plainly, that the Spaniſh Governors in America did very well in refuſing to give the Satisfaction, which by the Cedula ſent him from Spain he was ordered to give. Thus, Sir, in effect, we have had the moſt groſs Affronts put upon us for theſe twenty Years paſt, without our ſhewing any other Reſentment than a Repetition of humble Memorials to the ſame Purpoſe. Therefore it is plain, that our Miniſtry at leaſt have been deficient in not bringing our Diſputes ſooner to an Iſſue, and thereby preventing in a great meaſure the injurious Treatment we have received from Spain. This is the more inexcuſable, ſince it appears by the Letter I have juſt mentioned, that the Claims of Spain were not confined to particular Facts, in which there might be ſome Doubtfulneſs, but ſtruck at the very Root of our Commerce and free Navigation in the American Seas. We read there, that our Merchants are to obſerve a certain Courſe in ſteering from one Part of the Britiſh Territories to another; and that the Spaniards themſelves are to be the Judges, whether they obſerve this Courſe or not. This, Sir, is a Claim which I apprehend deſtroys our Navigation. For as no Treaty, nor any poſitive Stipulation lays down the Manner of our Navigation in the Weſt-Indies; if any particular Manner is to be obſerved, it muſt be dictated by the Spaniards themſelves; and after that, they are to be the ſole Judges, whether

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ther it is obſerved or not. Thus, I ſay, by this Claim our Navigation in the American Seas lies at the Mercy of Spain, while we have no other Relief than by having recourſe to fruitleſs and unintelligible Memorials and Repreſentations. I will take the Liberty to ſay farther, Sir, that after this Point was by Command of the King of Spain ſtated to our Government, our Miniſter at that Court ſhould not have been permitted to proceed one Step farther in his Negotiations, till that Point had been cleared up. If they had inſiſted upon their being the Judges of our Navigation; and in conſequence of that had, as indeed they did ſearch and plunder our Shipping, our Miniſters ought to have adviſed his Majeſty to declare War immediately; and if War had been declared, Sir, his Majeſty would have been ſupported by his People; the Miniſtry themſelves would have become popular; the Nation would have been formidable; and no Power would have preſumed to trifle with us, or to have talked in a Language that ſeems to dictate in what manner we are to act.

'A great deal more might be ſaid, Sir, upon this Subject to prove how miſerably deficient our Miniſtry has been, in not inſiſting peremptorily upon an Anſwer from the Court of Spain as to their Claim of ſearching our Ships. Had they done that, the Affair muſt have been brought to a very ſhort Iſſue; whereas the very ſuffering ſuch a Claim to be diſputed on their Side, was in effect admitting it on ours; ſince thereby our moſt valuable Rights were rendered doubtful, nay I ſhall be able, I believe, to prove, that by this Convention they are ſubjected to the Mercy of this inſolent Enemy.

'Having taken this curſory View, Sir, of the Preamble to the Convention, I ſhall beg Gentlemen's Patience, while I trouble the Houſe with ſome Obſervations upon the Articles themſelves. By the firſt Article Plenipotentiaries are to meet: For what Purpoſe? Why to ſettle every thing that is in diſpute between us; or, in other Words, we have referred to two Spaniſh, and two Engliſh Plenipotentiaries to decide whether we have a Right to ſail and carry on Commerce upon the American Seas. I ſhall not trouble the Houſe with repeating what has been ſo very well obſerved by Gentlemen who have already ſpoken in this Debate. I ſhall only beg Leave to ſay, that the Gentlemen who are for the Addreſs bring their Argument to this Inconſiſtency, that they muſt either allow the Treaties between the two Crowns to be dark, doubtful, and deficient; and conſequently, that this and the other Houſe have come to very improper Reſolutions by declaring upon theſe Treaties

that

that our Right to a free Navigation in theſe Seas is clear and undoubted; or it muſt be admitted that this Convention is a very arbitrary, unwarantable Meaſure, and expreſsly contrary to the obvious Meaning of both Houſes of Parliament. I ſay one of thoſe Propoſitions muſt be admitted; becauſe the Parliament having already called for and examined the Treaties between Us and Spain, they find that all the Rights, which Spain has pretended to diſpute with us, are ſufficiently aſcertained by thoſe Treaties. They have accordingly taken Reſolutions upon the Footing which they afford; therefore, I ſhould be glad to know how it has happened that our Miniſters appear to be of a different Opinion. I believe when we came to the Reſolutions already mentioned, there was no Gentleman here, who did not imagine, that they were to ſerve as Directions for our Miniſtry to act by; and if the Parliament thought the Rights of our Commerce and Navigation ſufficiently ſecured by thoſe Treaties, they ought not to have proceeded one Step before the Spaniards had owned the ſame.

But inſtead of that, how have they behaved? The Parliament ſays, that the Treaties ſufficiently ſecure our Freedom of Navigation: The Court of Madrid ſays, they do not. Our Miniſters, inſtead of ſaying to the Spaniards, 'We will not enter upon any Diſcuſſion of the Validity, 'or the Meaning of Treaties; for theſe are Points that 'we are not at Freedom to admit being diſputed, ſince they 'are aſcertained by the Parliament of Great Britain, but 'we inſiſt upon theſe plain poſitive Facts, that you are not 'to ſearch our Ships; and that you are to pay Damages 'for what you have already done in Violation of thoſe 'Treaties.' I ſay, Sir, inſtead of talking as they ought to have done in this Language to the Court of Madrid, they have admitted the Meaning of theſe Treaties to be ſo far diſputed, that it would not be at all ſurprizing if Spain ſhould diſpute next, whether we have, or have not a Right to ſail up the River Thames.

'This I can prove from the very Words of this Convention, and if any Gentleman ſhall offer the leaſt Argument, that can prove the contrary with any Man of common Senſe, I will give my Voice for the Reſolutions. By the firſt Article of the Convention we find, that the Conferences of the Plenipotentiaries are to be regulated according to the Treaties of 1667, 1670, 1713, 1715, 1721, 1728, and 1729, including the Aſſiento-Contract, and the Convention of 1716. Now, Sir, tho' I think it is extremely right that thoſe Treaties ſhould be the Groundwork of our Negotiations, I think it very wrong, that after

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after ſo ſolemn a Declaration has been made by Parliament, our Right of Navigation ſhould be ſubjected to the Will of any Plenipotentiary, be he Spaniſh or Engliſh. Yet there is nothing more plain than that they are: For we need but to look into the ſecond ſeperate Article of this Convention, and there we ſhall ſee that a Doubt is made, whether or not a Ship which was taken by the Spaniards ſailing from Antigua, no longer ago than the 14th of April laſt, was a lawful Prize. What is the Meaning, Sir, of this Article, but that the Spaniards are doubtful whether we have by Treaties a Right to ſail on the American Seas at all. For if we have ſuch a Right, ſurely we can no where exerciſe it ſo unexceptionably as within ſight of our own Ports; if they are doubtful whether a Ship is, or is not lawful Prize when ſhe ſails from Antigua, and not a League from Shore, may they not juſt as well diſpute whether we have any Right to ſail from Portſmouth or Plymouth, or any Sea-Port in England, to London, or Liverpool?

'Therefore, Sir, I ſay, that this ſecond ſeperate Article explains the Meaning of the firſt Article of the Convention; and ſhews that the Meeting of our Plenipotentiaries with thoſe of Spain is not in order to obtain Relief from our Grievances, but to multiply them; and to decide whether we have any Right at all to a Navigation upon the American Seas. At the ſame time it appears, that our Court are far from being ignorant that the Diſpute between us muſt take this Turn; for the Court of Spain could never raiſe any Doubt, whether we have a Liberty of ſailing from Antigua, unleſs they had a Deſign to diſpute our Right of ſailing at all on the American Seas.

'The next Thing that I beg Leave to obſerve, while I am ſpeaking to this ſecond Article, is the Stipulation with regard to the Limits of Florida and Carolina, which are likewiſe to be decided according to the Meaning of Treaties, as if they were not already ſufficiently aſcertained.

'But the ſecond Article ſufficiently proves, that the Spaniards apprehend we ſhall give them up all the Colonies that are in Diſpute there; for we find that we muſt not preſume to put ourſelves in a Poſture of Defence in caſe they ſhould be attacked. Now, Sir, I ſhould be glad to know of Gentlemen, why they ſo ſtrenuouſly laſt Year inſiſted upon the Neceſſity of putting the Colony of Georgia, which appears to have been for ſome time paſt a favourite Settlement with this Nation, in a State of Defence? Why was the Public put to the Expence of ſending thither a Regiment with Engineers Stores, and every thing neceſſary for

for making a vigorous Defence, if it is a Doubt whether we have, or have not a Right to the Colony. Anno 12 Geo. II. 1738-9.

' I did intend, Sir, to have gone thro' every other Article of this Convention, but upon a Review I find I have been in a great Meaſure prevented by the Gentlemen who have already ſpoken againſt this Addreſs. Yet I cannot help obſerving the Manner, in which the definitive Negotiation to be built upon this Treaty is to go forward. In the firſt Place, we don't find one Word in this Convention that ſtipulates any Satisfaction for the Breach of the Law of Nations, and poſitive Treaties in the moſt inhuman Manner, by the Subjects of the Crown of Spain; therefore, they are not to ſuppoſe, or at leaſt they will not ſuppoſe that they have done any thing amiſs. For this Reaſon they will not be afraid to do the ſame again; and thus they have eight Months, appointed to the Plenipotentiaries for finiſhing their Conferences, to act all their Violences and Injuries over again. And after thoſe eight Months, we don't find a Word in the Convention, from which we can imagine, that the Plenipotentiaries have a Right to give us any Satisfaction for what they may do in the mean Time. For my Part, according to this Convention, I think they have acquired a kind of Right to continue their Depredations; becauſe it is evident that our Miniſters have at leaſt left it doubtful, whether they were or were not in the wrong in doing what they have done already. Give me Leave therefore, Sir, to ſuppoſe that the Spaniards will continue their Depredations during the Time of the Conferences; what will be the Event? We may ſay to the Court of Madrid; 'Here we 'have a farther Charge; your Guarda Coſtas have done us 'more Damage for which we are to be ſatisfied.' Is it not natural for them to bid us look into the Convention, and there we ſhall find no ſuch Agreement; they may tell us, that the Convention was intended to regulate what was to come, and that the Deciſion of the Plenipotentiaries was to have no Retroſpect. At laſt, when Abundance of Memorials, Repreſentations, and Remonſtrances have paſt, the whole may be left to a new Convention.

'What Britiſh Subject, therefore, will venture his Property to Sea, while ſuch a Convention ſhall ſubſiſt? He can have no manner of Rule to go by; he ſees a Ship, that to his thinking is in as far a Way of Trade as any Ship can be, ſeized; and after the Seizure, even our own Miniſters, nay, the Parliament of Great Britain, are in doubt whether ſhe is not lawfully ſeized; how then can he venture to Sea? Nay, even tho' the Capture of his Ship ſhould be found illegal, all he can hope for is bare Reſtitution, after loſing

Anno 12 Geo. II. 1738-9.

all the Benefit of his Trade, and the Charge of the Ship, beſides Seamen's Wages, Repairs, and a thouſand other expenſive Articles, for perhaps upwards of a Twelvemonth.

'But I am afraid, Sir, that there is ſomewhat more than bare Suppoſitions to ſupport the Caſe I have put. I am afraid, the Spaniards have already, even ſince the ſigning of this Convention, given Proofs in what manner they underſtand it. You have now upon your Table a * Petition from the Owners of a Ship, the Maſter of which was at the Time of preſenting their Petition, as they conceived, a Priſoner in Old Spain. He has ſince, indeed, been releaſed; but not till after his Ship was confiſcated, and after he had ſuffered a long and tedious Impriſonment, even after the Convention was ſigned. Nay, we were told at the Bar of one Houſe, that our Miniſter-Plenipotentiary at the Court of Madrid preſented Memorials for his Releaſement, and no Regard was had to them.

'This, Sir, is ſo poſitive an Indication of the Manner in which the Court of Madrid underſtands the Convention, that I cannot imagine the leaſt Doubt can ariſe on that Head. Have we had any Information yet, that Orders have been ſent by the Court of Madrid to their Governors in America, for reſtoring the two South-Sea Sloops, which they have detained, or for drawing off their Guard from our Factory at the Havannah? If they had thought that this Convention obliged them to diſcontinue their Hoſtilities, they ſhould have immediately given theſe Orders, with ſevere Injunctions to all their Governors and Officers, againſt ſuffering any ſuch Violences for the future.

'No Gentleman here, I hope, will take upon him to ſay, that the Sentiments of our Merchants, and their Petitions ought to have no Weight with us upon this Occaſion. I am of Opinion, Sir, that they are the beſt Judges how far it is practicable to carry on the Weſt India Trade, if the Convention ſhould be approved by Parliament; and you ſee in their † Petition, that they are under the very ſame Apprehenſions that I have expreſſed. They think this Convention makes the Maſters of every Guarda Coſta ſuperior in Strength to a Britiſh Ship that ſhall fall in their Way, the Maſters of the Liberty and Property of Britiſh Subjects. In ſhort, the very Petitions that now lie upon the Table, conſidering from whom they come, and for what End they are intended, ought to be ſufficient to determine us to refuſe our Aſſent to the Reſolution.

'But tho' I have the moſt exquiſite Senſe of what our Merchants

* See the preceeding Volume. † Ibid.

Merchants and Sailors have ſuffered from Spain, give me Leave to ſay, Sir, that the Reſtitution due to them is but the ſecond Conſideration that ought now to engage our Attention. We have a more important Point to diſcuſs, and that is, the Security of our Navigation for the future. I am afraid, Sir, that our Miniſters have but half underſtood the Court of Spain upon this Head. They have taken it for granted, that all which that Court inſiſts upon is, the Regulation of ſome particular Points, and the Diſcuſſion of certain Facts relating to our American Navigation. But, as I ſaid before, this very Convention proves, that they diſpute our having any Right of Navigation at all upon the American Seas. This is no new Claim of theirs; it is a Claim which they have formerly trumpt up, founded upon the pretended ridiculous Donation of all America to the Crown of Spain by the See of Rome. Nay, ſo fond were they of this imaginary Right, that we find by their own Authors, that not much above a Century and a Half ago, their Admirals, whom they ſent out to America, had it in their Inſtructions to treat all Ships which they found ſailing to the Weſtward of the Azores Iſlands as Pirates. The Weakneſs of that Crown hindered them, indeed, from inſiſting upon this ridiculous Right; but when Gentlemen conſider the Genius of that Court, and their Stiffneſs in every thing that regards themſelves, they will not at all be ſurprized to find that, when they ſaw they had to do with a puſilanimous weak Miniſtry, they ſhould renew their Claims. I don't, indeed, ſay, that they have as yet made any expreſs Declaration upon that Head, becauſe in that Event, the French, the Dutch, and every other Nation who has any Property in the American Trade, muſt have been alarmed equally with us; but I think it is very plain from their Conduct, and from their juſtifying that Conduct, that they can mean nothing leſs than an Excluſive Privilege to themſelves of Navigation in the American Seas. For I will challenge any Gentleman who is for our agreeing to this Addreſs, to point out by what Means it is poſſible for us to ſail in theſe Seas, to ſail from one of our own Colonies to another, even the moſt contiguous, if the Spaniards can be juſtified in the Captures they have already made of our Ships?

Anno 12 Geo. II. 1738-9.

'It has been proved, Sir, at the Bar of this Houſe, that they have ſeized Ships within Sight of their own Settlements, tho' the Maſters of thoſe Ships were obliged to approach their Coaſts by Reaſon of the Force of Winds and Tides: You have heard it proved, that they have taken Ships not within Sight of any Land; and that they have taken them

Anno 12. Geo. II. 1738-9.

within Sight, nay, almoſt within Gun-ſhot of our own Shores. If they can be juſtified in theſe Captures, I ſhould beg to know what Caſe can happen, in which we can ſail on theſe Seas.

'But that I may not ſeem to ſpeak without the beſt Authority, I ſhall take the Liberty to read the Extract of a Paper, which now lies upon your Table, and is taken from the Words of the Declaration made by the Spaniſh Commiſſaries to ours at the Conferences ſubſequent to the Treaty of Seville.

'In this Declaration it is ſaid, 'That whereas the 'King their Maſter hath an indiſputable Right, by the 'Gift of Pope Alexander the VIth, &c. to the Pro-'perty and Dominions of all the Continents, Iſlands, and 'Seas adjacent, either already diſcovered, or that ſhall here-'after be diſcovered between the Artic and Antartic Poles, 'a hundred Leagues Weſtward of the Iſlands des Azores; 'excepting thoſe Places which have ſince by Agreement 'with his Catholic Majeſty been poſſeſt by other Princes, 'and whereas the Britiſh Nation have introduced them-'ſelves into the ſaid Dominions, without the Conſent of 'his ſaid Catholic Majeſty, particularly into the Iſlands of 'New Providence, St. Catherine, St. Andrew, Port Royal, '&c." and within the Limits of Florida, that, therefore, we ought to evacuate all theſe Places. This Demand, Sir, is ſo ridiculous, that if any Gentleman had aſſerted without good Proofs, that a People in their right Senſes could have made it, I dare ſay he would have found Difficulty to have gained Belief. For it not only cuts us out of the Places mentioned, but out of Jamaica, and ſome other of our moſt valuable Poſſeſſions. I have heard an Honourable Gentlemen over the Way ſay, that we never could bring the Crown of Spain to acknowledge our Right to the Iſland of Jamaica; I believe, nor to any Poſſeſſion we have in America; therefore this Demand may be extended to all our American Poſſeſſions.

'It is owing, Sir, to our Miniſtry overlooking and treating in a ſoothing tender Manner this Inſolence of Spain, that we have hitherto obtained nothing from them, but an Addition of Infamy from repeated Injuries; and this Convention may be called the Coup de Grace to that miſerable lingering State, which our Navigation and Commerce have been long in. Whereas had they cruſhed the Evil in its Bud; had they reſolved to break off all Conferences unleſs thoſe romantic Claims were relinquiſhed, the Spaniards would never have ventured to perſiſt either in their injurious Treatment of our Merchants, or the Abſurdity of their

their own Pretenſions. But by even continuing to treat while ſuch a Claim was upon the Carpet, they had reaſon to think that we were either afraid to diſoblige them, or that there was more Juſtice in their Demands, than they themſelves perhaps at firſt were aware of. This gave them Encouragement to perſiſt in them till they have at laſt ſucceeded ſo far as to get a Convention, which opens to them a fair Proſpect of obtaining whatever their own chimerical Wiſhes could ſuggeſt. Anno 12 Geo. II. 1738-9.

'I aſk Pardon for troubling the Houſe thus long; but the Importance of the preſent Queſtion, I think, demands that every Gentleman ſhould ſpeak even the Fulneſs of his Senſe: It is the laſt time Sir, if we agree to this Reſolution, that we perhaps ſhall have an Opportunity of Debate upon any thing that concerns the Trade or Navigation of this Kingdom; therefore I hope the Reſolution will be re-committed.'

Sir Robert Walpole.

SIR,

'The Propriety of the Reſolution we are now debating was ſo fully conſidered Yeſterday, that I did not imagine it would have met with ſo ſtrenuous an Oppoſition To-day. However, as Gentlemen ſeem determined to make a Point of this Queſtion, I am not at all afraid of having it once again fully and impartially conſidered; and I dare ſay that ſuch Gentlemen, who were for the Reſolution in the Committee, will be thereby more confirmed to approve of it in the Houſe. Sir Robert Walpole.

'I ſhall not take upon me, Sir, to anſwer regularly every thing the Honourable Gentleman was pleaſed to advance; but I will venture to ſay, that I am able to anſwer every thing he has advanced to the Purpoſe. The Preamble to the Convention was found fault with; Why? Becauſe it recites that Differences have ariſen between the two Crowns on account of the viſiting, ſearching, and taking of Veſſels, the ſeizing of Effects, and regulating of Limits; therefore the Miniſters of the two Crowns are to take Care, as far as in them lies, that no farther Cauſes of ſuch Complaints ſhall exiſt. This Preamble has been repreſented as a kind of owning the Right which the Spaniards pretend to in the American Seas. For my Part, Sir, I cannot ſee the leaſt Foundation for ſuch a Suggeſtion. Did not this Houſe laſt Seſſion recommend to his Majeſty to have all theſe Cauſes of Complaint removed? This was the profeſſed Intention of all thoſe Negotiations againſt which Gentlemen have ſo much exclaimed. And I ſhould be glad to know in what manner the Gentlemen themſelves would

Anno 12. Geo. II. 1738-9.

would have penned this Preamble? Could it have been ſaid in this Preamble, that Differences have not ariſen, and that the Convention was intended to perpetuate thoſe Differences? And yet I don't ſee any other Meaning that an Objection to this Preamble can convey, but that the contrary of what is there advanced is true.

'Gentlemen, when they ſpeak of the Spaniſh Depredations, take it for granted that the Spaniſh Court have as good Evidence for the Illegality of the Captures made by their Guarda Coſta, and other Veſſels as this Houſe has. But give me Leave to ſay, Sir, that the Caſe is far otherwiſe; for tho' the Injuries our Merchants have received have been fully proved at the Bar of this Houſe, yet it is by no means ſo eaſy for a Miniſter reſiding at a foreign Court to make the Spaniards equally ſenſible of this as we are, who were preſent when the Proofs were given in. Therefore it is highly unreaſonable to imagine that we had no more to do, but to draw out a neat Account of our Loſſes, and to have given it to the Spaniſh Miniſtry, and that they would inſtantly have ſigned it, and ordered Payment. I could with all my Heart have wiſhed that this had been the Caſe; but do Gentlemen imagine, that if we had been in the wrong, if the Complaints againſt us had been examined at the Court of Spain, and if they had ſent over a peremptory Demand here for Payment of the Balance, that our Miniſtry would have been juſtifiable, had they immediately comply'd with their Demand. I am ſure the Honourable Gentleman who ſpoke laſt would be one of the firſt to arraign them, if they ſhould do ſuch a thing. Let Gentlemen lay their Hands on their Hearts, and conſider what the Miniſtry here ought to have done: Were they to give into the Court of Madrid a Bill of their Damages, and demand immediate Payment without the leaſt Examination? Were they to threaten, that in caſe that Court ſhould pretend to delay Payment, tho' but for an Hour, we would go to War? By no Means. Then what ought they to have done? Why they ought to have laid the Grievances of the Nation before that Court, in conſequence of the Advice of Parliament to his Majeſty, and endeavoured to obtain Satisfaction for the Part and Security againſt all future Injuries. But this is preciſely the Thing they have done; and done it, I will venture to ſay, with unparalleled Succeſs. The Spaniards have owned that they have been in the wrong, they have agreed to make Satisfaction, and to ſubmit to regulate every thing in Diſpute according to Treaties. But, ſays the Honourable Gentleman, why did not we obtain an expreſs Renunciation on the Part of Spain of all her ridi-

culous romantic Claims? Why did not our Miniſtry throw up all future Negotiations with them? Why did we not inſiſt, ſaid another Honourable Gentleman, upon having the Authors of our Injuries brought to condign Puniſhment? As to the firſt of theſe Points, perhaps it may not appear quite ſo reaſonable to the Spaniards, as it does to ſome Gentlemen in this Houſe. I would have Gentlemen rightly to diſtinguiſh between the Points that are contraverted by Spain, and thoſe that are not; between the Points that are admitted by us, and thoſe that are not. Anno 12 Geo. II. 1738-9.

'Spain, as I ſhall prove by and by, notwithſtanding all that has been ſaid by the Honourable Gentleman who ſpoke laſt, never has pretended to diſpute our Right of ſailing from one of our own Settlements to another; but ſhe pretends, that in the Courſe of that Navigation we ought not to touch upon her Coaſts, nor to trade with any of her Subjects. We, on the other hand, admit that the Spaniards have a Right to prevent any Trade from being carried on by the Subjects of other Nations with hers, except that Trade which is expreſsly ſtipulated by the Aſſiento-Treaty. But we deny, that under that Pretence her Subjects ought to ſtop or ſearch our Ships. This, Sir, is a ſhort State of the Controverſy between Us and Spain, and perhaps it is attended with more Difficulties than may be imagined.

'For in the firſt place, tho' their Claim of ſearching our Ships may ſeem highly unreaſonable to us, it may appear quite otherwiſe to them. They have on their Side the conſtant Practice of all Nations, who have, and exerciſe a Right of ſtopping and ſearching all Ships which they ſuſpect as carrying on an illicite Trade with their Subjects. I know it is ſaid, that this Right cannot extend to the American Seas, becauſe that in them there can be no Object of Search on board our Ships, ſince all Trade between the Spaniards and Us in thoſe Seas is abſolutely prohibited. Sir, I ſhall not at preſent diſpute the general Senſe of this Propoſition, but Gentlemen will pleaſe to conſider the Conſequences if it is too far extended. Suppoſe, for inſtance, that an Engliſh Ship is ſeen hovering off of the Spaniſh Coaſts; ſuppoſe that the Spaniſh Officers ſhall ſee Boats, loaded with Goods paſt and repaſs daily and hourly between their Shore and this Ship; what! are they to take no manner of Notice of ſuch a Ship? Are they to wink, to connive at a Practice ſo utterly repugnant to the Meaning of all the Treaties between them and us? This, Sir, would I think be carrying the general Propoſition I have juſt now mentioned too far. The Parliament could never mean, in their Addreſs to his Majeſty, that we ſhould aſſert a Claim

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Anno 12 Geo. II. 1738-9.

ſo inconſiſtent with Treaties. All we meant, I will venture to ſay, was to aſſert it ſo far as Treaties could warrant it, and no farther; if we meant any thing elſe, it was unjuſt. But Gentlemen never reflect that in all their Speeches and Reaſonings againſt the Convention they plead for this unlimited, this unjuſtifiable Senſe of that Propoſition. They don't reflect, that if we had inſiſted upon any other Terms than what are contained in the Convention, they muſt have been to bind the Hands of the Spaniards abſolutely up from preventing any unlawful Trade that may be carried on upon their Coaſts; which I am ſure never could be the Intention of Parliament, nor can be juſtified by Treaties.

'I know, Sir, with what a tender Hand the Intereſts of Trade ought to be touched, and I know too with what Views all the Clamour againſt this Convention have been raiſed; but I am convinced that the Intereſts of Trade are never ſo well conſulted, as when it is carried on agreeably to Treaties. If, in order to gratify the Pique and Reſentment of any particular Sett of Men among ourſelves, we ſhall encourage Meaſures that deſtroy the Intention of Treaties, we ſhall ſoon ſee our Trade ruined. Every Nation in Europe will become jealous of us, and perhaps may conſpire our Deſtruction. It is only by preſerving the Faith of the Nation in carrying on our American Commerce, that we ſhall be able to prevent ſuch a Conſpiracy; for upon the Baſis of that Commerce, every other Branch of our Commerce is founded. If the other Powers of Europe ſhould once conceive a Jealouſy that we intended to engroſs the whole of that Commerce to ourſelves, do we imagine they would ſit cool and unconcerned? No, Sir; in ſuch an Event, even your beſt Friends would look upon your Conqueſts with a jealous Eye, and your moſt powerful Neighbours would continue neutral no longer than your Succeſs ſhould alarm their Fears. It is the Inactivity and Lazineſs of the Spaniſh Nation, that is her greateſt Security in her Poſſeſſion of the American Treaſure: But were theſe Treaſures to fall into the Hands of a People, who knew how to engroſs them to themſelves; who knew how to keep them from becoming, as ſoon as they arrive, the Property of other Nations, we ſhould ſoon ſee a Change in their pacific Diſpoſitions.

'It was in order to prevent this from ever becoming the Caſe, that ſo great Care was taken to ſecure by all Treaties, in which the Spaniards have been contracting Parties, the Poſſeſſion of the Spaniſh Weſt-Indies to that Crown; and the Article of the Treaty of Utrecht, which ſtipulates that

Poſſeſſion,

Poſſeſſion, makes it the Foundation, the *Sine qua non* of all the Negotiations, not only between Spain and Us, but among all the Powers of Europe. Therefore, Gentlemen ought to be extremely tender of urging this Point; it is a String, which if not delicately touched may create a Diſcord and Jarring in our Syſtem of Intereſts with our Neighbours, that may diſorder the whole. It is eaſy from the Words of Treaties to raiſe Objections, and throw in Difficulties, that may cauſe a Clamour, but if a Miniſter conſults the Senſe and Spirit of thoſe Treaties, he muſt be juſtified by his Country. Anno 12 Geo. II. 1738-9.

'Having ſaid thus much, I ſhould be glad to know whether it can be thought reaſonable that the Miniſtry here ſhould have inſiſted upon the Spaniards granting us abſolutely and immediately all we aſk, without ſuffering the leaſt Examination into our Pretenſions, (which by the bye are quite new to the Court of Madrid.) Can Gentlemen deny, but that there is at leaſt ſome Difficulty in reconciling thoſe Points, which they don't pretend to diſpute with us, to thoſe Points which we cannot contravert with them? Can they deny, that even tho' Spain had been diſpoſed to grant us all at once, without diſputing, without examining into the Authority, upon which we founded our Claims, that it would not have been proper to be a little cautious, in what manner ſuch a Conceſſion ſhould be couched, ſo as that it might give no Umbrage to our Neighbours?

'And now, Sir, that I have gone thus far, give me Leave to mention one or two Difficulties, which are founded on the Words of thoſe very Treaties, in which the Gentlemen who are againſt this Reſolution ſo much triumph. They have inſiſted, that the American Treaty, made in 1670, was the firſt Treaty expreſsly made that laid us under any Prohibition of Trading to America. Therefore, ſay they, as no mention is there made of a Search, or of prohibited Goods, it never can be conſtrued to extend to either, and we have by that Treaty a Right to ſail as near the Spaniſh Coaſts in America as we pleaſe, without being ſubject to a Search. But I find, Sir, that this Treaty of 1670 confirms by its firſt Article the Treaty of 1667, and by this laſt-mentioned Treaty a Viſit and Search too, if no ſatisfactory Account of the Ship's Cargo is given to the Party viſiting, is expreſsly ſtipulated. But, ſay Gentlemen, this Stipulation is only for the European Commerce. I ſhall not diſpute at preſent, Sir, whether it is or is not, but I don't find any Expreſſions in that Treaty which determine the Senſe to the European Commerce alone.

Anno 12 Geo. II. 1738-9.

'The Treaty of 1667, is as expreſs with regard to the Prohibition of our ſailing to the American Coaſts as the Treaty of 1670 is; and I cannot but obſerve that the 8th Article of the Treaty 1670, which prohibits the Subjects of either State from ſailing to the Settlements of the other in America, is almoſt tranſcribed from the 6th Article of the Treaty of Munſter in 1648, to which the 8th Article of the Treaty of 1667 refers. I will take the Liberty to read the Words of the ſeveral Articles, becauſe I believe Gentlemen who have ſpoken upon this Subject have not ſufficiently conſidered them.

'The Words of the 8th Article of the Treaty 1667 run thus: 'And for what may concern both the Indies, 'and any other Parts whatſoever, the King of Spain doth 'grant to the King of Great Britain, and his Subjects, all 'that is granted to the united States of the Low Countries, 'and their Subjects in their Treaty of Munſter 1748 point 'for point, in as full and ample Manner as if the ſame were 'herein particularly inſerted, the ſame Rules being to be 'obſerved, whereunto the Subjects of the ſaid United States 'are obliged, and mutual Offices of Friendſhips to be per-'formed from one Side to the other.' As this Article cannot be underſtood without the Articles referr'd to in the Treaty of Munſter, I ſhall beg Leave to read that too, from the Book I have in my Hand: The firſt Article eſtabliſhes in the States-General the Right of *Uti Poſſidetis* as to all their Poſſeſſions in America; and the ſixth Article proceeds as follows.

'And as to the Weſt Indies, the Subjects and Inhabitants 'of the Kingdoms, Provinces, and Lands of the ſaid Lords, 'the King and States reſpectively ſhall forbear to navi-'gate and traffic in all the Havens, Harbours, and Places 'provided with Forts, Lodgments, or Caſtles, and all other 'Places poſſeſt by one or the other Party; (namely) the 'Subjects of the ſaid Lord the King ſhall not ſail and 'traffic in thoſe held by the ſaid Lords, the States, nor the 'Subjects of the ſaid Lords the States, nor the Subjects of the 'ſaid Lords the States in thoſe held by the ſaid Lord the King.'

How agreeable this is to the Words of the 8th Article of the Treaty of 1670, Gentlemen ſhall judge. The Words of that Article are;

'The Subjects and Inhabitants, Merchants, Captains, 'Marines, and Maſters of Ships of the Kingdoms, Pro-'vinces, and Territories of each King, reſpectively ſhall 'abſtain and forbear from trading and navigating in the 'Ports, and in the Places where Forts, Warehouſes, or 'Caſtles are built, and in all other Places poſſeſt by one or

'other

'other Party in the Weſt-Indies.' The reſt of the Article is tranſcribed from that of the Treaty of Munſter, *mutatis mutandis*. Anno 12 Geo. II. 1738-9.

'From this it appears that the Prohibition of our not ſailing to the Spaniſh Weſt-Indies exiſted before the Treaty of 1670. Now, Sir, tho' I am as far from being an Advocate for Spain as any Gentleman in this Houſe is, yet I ſubmit it to Conſideration, whether it was reaſonable to expect that the Spaniards were to ſign a Charte-blanch, and agree to our Demand of giving up all Rights to a Search, before they had conſidered whether they had not, by the Treaty of 1667, a Right to ſearch our Ships in America as well as in Europe.

'Gentlemen have been very ſevere upon the Authors of this Convention, for proceeding in any Negotiation at all before the Spaniards had abſolutely diſclaimed this Point. But give me Leave, Sir, to ſay, it is but a new Argument, even in this Houſe, that the Spaniards have no Right to a Search upon any Account whatſoever; and if it is new to us, it muſt be ſo to them; and therefore it is not at all ſurprizing that they ſhould inſiſt upon ſome Time to deliberate. I remember when the Treaty of Seville was approved of by Parliament, the Gentlemen who diſliked that Treaty did not make Uſe of this Argument; and in all the Courſe of our Debates it was ſtill underſtood, that Spain had a Right to a Search in certain Caſes. There is nothing left in this Convention to the Diſcuſſion of Plenipotentiaries, which was not virtually left by the Treaty of Seville, to the Diſcuſſion of Commiſſaries; yet I did not hear any Gentleman ſay at that time, that the Rights of our Navigation and Commerce were given up and ſhamefully betray'd. To prove what I have ſaid with regard to what was referred to the Commiſſaries, who were to meet in conſequence of the Treaty of Seville, I need only to read the 6th Article of that Treaty, which runs thus;

'Commiſſaries to be appointed on the Part of their 'Britannic and Catholic Majeſties, to examine and decide 'what concerns the Ships and Effects taken at Sea on 'either Side, to the Time ſpecify'd in the preceeding 'Article (meaning the Year 1728.) And to examine and 'decide according to the Treaties the reſpective Pretenſions which relate to the Abuſes that are ſuppoſed to have 'been committed in Commerce, as well in the Indies, as 'Europe, and all other reſpective Pretenſions in America 'founded on Treaties, whether with reſpect to the Limits 'or otherwiſe.'—Now, Sir, is any thing more referred to the Plenipotentiaries by this Convention? therefore I ſhould

Anno 12.Geo. II. 1738-9.

be glad to know why ſuch a Clamour is raiſed now on that Head, and if the Point of no Search be ſo clear in our Favour as Gentlemen would have it, was it not as clear then as now?

'But it is ſaid, here is the Caſe of a Ship ſailing from one of our own Colonies, and not ſo much as pretended to be within the Spaniſh Limits, ſubmitted to the Diſcuſſion of our Plenipotentiaries; and this will be a great Diſcouragement to our Merchants carrying on that Commerce, during the intermediate Time. If the Caſe were as the Honourable Gentleman has repreſented it, I don't know but it might have that Effect; but we ought to conſider, Sir, that it is not only the Place in which a Ship is found to carry on Commerce, that makes ſuch a Ship a Prize, but the Species of Goods that are on board. To be ſure, if there were no other Objection againſt that Ship, the *Succeſs*, than that ſhe was ſailing out of Antigua, as the Honourable Gentleman has been pleaſed to ſtate the Matter, it had been a very ridiculous Subject for the Diſcuſſion of the Plenipotentiaries, but as there are other Circumſtances, which according to the Claims of Spain may make her a lawful Prize, the Article with regard to her is both prudent and reaſonable, nor can it ever prejudge any of our juſt Rights.

'Having thus, I hope, obviated all that has been ſo advanced againſt this Convention, I ſhall now take the Liberty to ſay a Word or two in anſwer to what was ſaid with regard to the Claim of the Spaniards, to an excluſive Privilege of Navigation in the American Seas. It was ſaid, that in the Conferences with our Commiſſaries the Spaniards had inſiſted upon ſuch a Privilege: To prove this, a Paſſage from one of the Papers upon your Table was produced; but how does that Paſſage prove it? It proves that a ridiculous romantic Claim was entered by the Spaniſh Commiſſaries, and this Convention proves that they have relinquiſhed it ſince. But the Honourable Gentleman did not enough attend to the Paſſage, when he ſaid that it extended to a Claim of an excluſive Right, for we find it is reſtricted to thoſe Places which have not been by Agreement with his Catholic Majeſty poſſeſt by other Nations. Therefore it never can be conſtrued to comprehend any of our Poſſeſſions which we held before the Treaty 1670, becauſe in that Treaty we have from Spain an Article of * *Uti Poſſidetis*, by which that Crown conſents to our enjoying all the Property of what we were then in Poſſeſſion of.

'Upon the whole, Sir, I cannot ſee the leaſt Foundation for

* Article the 7th.

for our refuſing to agree with the Committee in thoſe Reſolutions, for a dutiful and grateful Addreſs to the Crown.' Anno 12 Geo. II. 1378-9.

Mr. Pultney,

SIR,

Mr. Pultney.

'The plauſible Pretence of addreſſing the Crown ſhall never induce me to betray the Truſt placed in me by my Country; and when I view this Queſtion in its proper Light, to me it appears to be a modeſt Demand made by the Miniſtry, that we ſhould, without the leaſt Satisfaction given us, ſtrike off the long Account due to us from Spain, for the moſt injurious Treatment of the Subjects, and the groſſeſt Inſults on the Crown of Great Britain: That we ſhould give up all Security for the Exerciſe of that Commerce, which is at preſent the only Support of this Nation: That we ſhould give up the Right of this Houſe to arraign a puſillanimous, weak, deſtructive Meaſure of the Miniſtry, or rather one Man in the Miniſtry: In ſhort, that we ſhould ſacrifice all that can be dear and valuable to us, as a free People, in order to ſupport one Man in his Power.

'What has hitherto been offered in favour of this Convention, Sir, confirms me more and more in the Opinion, that it is a Meaſure deſtructive to the Nation. Gentlemen may remember, that in the laſt Seſſion I was for aſſerting the Rights of this Nation in America, after a ſtronger and more explicit Manner than we then did. For this Purpoſe I offered ſome Reſolutions to the Houſe that had not the good Fortune to be approved of. The Right Honourable Gentleman, who ſits near me, § amended, or rather new modelled them into the Reſolutions which were preſented to his Majeſty. I foreſaw, Sir, I foretold a great Part of the Arguments which have actually been made Uſe of in favour of the Convention. But this Meaſure, tho' we know it is the Gentleman's, is far from being correſpondent even to the Gentleman's Reſolutions, if I may ſo call them. The Reſolutions aſſert our undoubted Right to a free Navigation in America. But this is ſo far from being ſecured, or aſſerted by the Convention, that it is actually given up. For, Sir, if it be undoubted, why is it ſubmitted to a future Diſcuſſion? To what end are Plenipotentiaries named, if not to clear up ſome Points that remain doubtful? The very Words of the Convention make the Doubt: For we there ſee, that the Rights of Navigation and Commerce of this Nation are to be ſettled by Plenipotentiaries. Sir, they want no ſettling; we have already found and declared what our juſt Rights are; and ſhall theſe Gentlemen tell us by this Convention that we are miſtaken?

'Suppoſe

§ Sir Robert Walpole.

Anno 12 Geo. II. 1738-9.

'Suppoſe, Sir, that a neighbouring Power was to ſtart a Claim, which affected the Independency of this Crown and Kingdom; ſuppoſe the Parliament had come to a Reſolution, and preſented the ſame to his Majeſty, telling him that the Independency of his Crown is clear and undoubted, and that we will ſtand by him to the laſt Shilling of our Fortunes, and the laſt Drop of our Blood; ſhall any Miniſter, after ſuch Declaration, ſo far proſtitute the Dignity of his Majeſty and the Kingdom, as to refer the Independency of the Crown to the Deciſion of—— what ſhall I call them; two Creatures of his own, diſtinguiſhed by no one Qualification, but a blind Obedience to his Commands? Gentlemen may ſay this Caſe is not in the leaſt applicable to that of the Convention. I own, Sir, the Independency of the Crown is not immediately affected by the Claims of Spain: But will not the Honour and Intereſt of the Nation, which ſupports that Independency, be both affected? If we give up our Trade, where ſhall we find Reſources to ſupport ourſelves either againſt foreign or domeſtic Enemies? If we meanly ſtoop to the Dictates of a haughty inſolent Court; if we barter away the Lives and Liberties of Engliſhmen for a ſneaking, temporary, diſgraceful Expedient; what Court in Europe will any longer regard us as an independent People?

'But tho' we had obtained from Spain much better Terms than it appears are obtained, we have weakened the Rights of this Nation by the very Manner in which we treated about them. We treated, Sir, as humble abject Slaves would with an inſolent arbitrary Maſter. We have yielded every Point in Diſpute, and have not got one ſingle Conceſſion in our Favour. We have been treating about Rights to Satisfaction for Injuries, for Inſults, for Barbarities, that I believe were never before attempted to be palliated by any People who ever heard of Law and Juſtice; and what makes it ſtill more diſgraceful to us, we have been treating, while the other is Party ſtill plundering: Even at the Time when this mock Satisfaction was obtained, the Spaniards were repeating the very Injuries and Inſults for which the Honourable Gentleman and his Friends pretend they have made us Reparation. They pretend, Sir, that this was the wiſeſt and the moſt eligible way of proceeding; but it was acting a Part the very Reverſe of what was acted by the wiſeſt and the braveſt People that ever lived. They always refuſed to treat with an Enemy who had gained an Advantage over them; but when that Enemy was ſubdued, they readily conſented to reaſonable Terms. We, on the other hand, have given our Enemies great Advantages from

our

our Puſillanimity and Compliance; we have treated with all the Submiſſion of a conquered People, and given up all the Superiority we might have claimed from our Strength and Situation. Had we followed the Maxims of that wiſe People, we ſhould have told the Spaniards our Terms: If they had not accepted them, we ought to have ventured our all, rather than ſubmitted in one Article; if we had been conquered, Sir, we could not have been in a worſe Situation than we are put into by this Treaty; and if we had conquered, then was the Time to have extended our Favour, if we could have done it conſiſtently with the Honour of Great Britain. This, Sir, would have been no romantic way of acting; it would have preſerved our Reputation, which is inſeparable from the Welfare of a Trading People; it would have ſhewed our Enemies that we were determined to preſerve our Commerce and Liberties at the Hazard of our Lives, and that whenever we come to Reſolutions on theſe Points, we have the Firmneſs not to depart from them. Anno 12 Geo. II. 1738-9.

'An Honourable Gentleman, Sir, who ſits near me, ſaid Yeſterday, 'That Military Gentlemen ſhould have as little as poſſible to offer in Affairs relating to Peace or War; 'that as their Paſſion is for Glory, they might be animated 'to ſeek it, tho' purchaſed with the Ruin of their Country.' Sir, I congratulate this Aſſembly on the Right Honourable Gentleman's Change of Sentiments. When I look round this Houſe, I cannot help ſeeing Cauſe to reflect, that this was not always his way of thinking. Neither will it be difficult to aſſign the true Reaſon of this Change of Opinion. For my Part, I have always oppoſed Military Gentlemen having too much to ſay in Parliament on the Affairs of Peace or War; I wiſh, Sir, they had leſs to ſay or do here on this very Occaſion: We ſhall ſoon ſee, by the Part they ſhall take in this Queſtion, how far this Paſſion for Glory, the Honourable Gentleman talks of, prevails among them. This Night, Sir, they will have an Opportunity of ſhewing their Zeal for the Intereſt of their Country, and at the ſame Time gratify their Ardor for Action. But, Sir, in all Deliberations of this Kind, I have conſtantly obſerved theſe Military Gentlemen very prudently conſult the Peace of their Country, as well as their own Glory, by being the firſt to approve of the Miniſter's moſt deſtructive Schemes, and even his pacific Meaſures. We all know, Sir, when it has happened otherwiſe, what was the Conſequence. They who had the Courage, Sir, to follow the Dictates of their own Breaſt (I don't mean to reflect on any Gentleman of the Army) were diſabled from further ſerving their Country

Anno 12 Geo. II. 1738-9.

in a Military Capacity. One Exception, Sir, I know there is, and I need not tell Gentlemen that I have in my Eye one Military Perſon, great in his Character, great in his Capacity, great by the important Offices he has diſcharged, who wants nothing to make him ſtill greater, but to be ſtripped of all the Poſts, of all the Places he now enjoys.— But that, Sir, they dare not do. — I repeat it, Sir, they dare not. A War, as the Honourable Gentleman rightly obſerved, is to be avoided if we can do it with Honour, a vigorous War is the only Means of obtaining a laſting Peace. It is in vain therefore for Gentlemen to declaim on the Calamities of War: Let them rather expatiate on the Miſeries of ſuch a Peace as we have had theſe 18 Moons paſt. Let them compare theſe with the moſt diſmal Effects of War; the laſt will be found a ſafe, an eaſy, and a glorious Expedient. — An Honourable Gentleman ſaid, we have no Allies.— But whoſe Fault is it, Sir? — Has not he himſelf been making Alliances for us all this Reign, and part of the laſt? And does he now tell us, that we have not one Ally in the World? It is at leaſt honeſt in the Gentleman to let us know ſo much. But ſince this is our Caſe, let us make the beſt of a bad Bargain: Let us make Uſe of thoſe Advantages that Nature has put into our Hands: Let us exert the Courage that our Wrongs have inſpired us with: In ſhort, let us tread in the Steps of former Ages. Under Queen Elizabeth, Sir, we neither had, nor did we ſtand in need of Allies. Tho' the Nation then lay under many Diſadvantages, which are now become Advantages, ſhe, Sir, by her own Power, conquered this haughty Enemy, then ſtronger and haughtier; and ſhall we deſpair as Men without Hope? Let us not bring ourſelves into Contempt, by approving this pernicious Treaty: Let us for once change our ſneaking Conduct, and all will be well.

'I ſhall now, Sir, take up no more of your Time. There has already been ſo many Arguments unanſwerably urged againſt this deſtructive Meaſure, that I cannot pretend to ſay any thing that will add to their Weight, except giving my Negative a ſecond Time to this Addreſs; which I heartily do.

Mr. Pelhame.

SIR,

Mr. Pelhame.

'I am ſorry to obſerve that ſome Gentlemen are never to be convinced or ſatisfy'd. Inſtead of confining what they ſay to the Subject of the Debate, they run out in a very indecent Manner againſt thoſe who have the Honour to ſerve his Majeſty; as if, for a Subject to have the leaſt

Share

Share of the Royal Countenance, were a ſufficient Reaſon for Cenſure and Detraction. The Honourable Gentleman who ſpoke laſt, did not, with all his Parts, give one good Reaſon, at leaſt in my Opinion, why we ſhould diſapprove, and much leſs cenſure this Convention. He did not think fit to point out how we might have gotten a better Treaty without going to War: And if we ſhould go to War, Sir, I ſhould be glad to know by what Means we could ſupport that War, if we were at preſent to enter into it. It is very eaſy to find Fault; but, Sir, it is to no Purpoſe to find Fault, unleſs at the ſame Time they point out how we could have done better. War is called for without Doors, it is called for within Doors; but Gentlemen don't conſider how little you can gain by War. They talk as if we were to get the Indies: Pray, Sir, if it was ſo eaſy, as they now affirm it is, to diſtreſs Spain in the Indies, why did we not do it during the laſt great War, when we had the Dutch Fleet to aſſiſt us? What Succeſs, Sir, had you in your Deſcents upon their Territories? If we had not, by great good Fortune, got Intelligence of their Galleons being arrived in Port, and if they had not by that Means fallen into our Hands, I don't think that all we did againſt the Spaniards by Sea laſt War, (if we except an Action § my Honourable Friend behind me was engaged in) worth mentioning. And even in theſe two ſucceſsful Rencounters the Officers and Sailors were Gainers, but the Public was not. And therefore, Sir, we may conclude, that Gentlemen call out for a War, becauſe they don't know any other Method for finding Fault with this Convention; by inſiſting upon this, they in effect own that it was impoſſible for us in the Way of Negotiation to have obtained better Terms. For I believe that even the Honourable Gentleman who ſpoke laſt will not pretend to ſay, that if the Miniſtry could have got better Terms in the Way of Negotiation, they would not have accepted of them. But, Sir, this Oppoſition to a Meaſure of the Miniſtry is no Surprize to me. I heard this Convention blamed in many Companies before it appeared in Public, and by People who did not know one ſingle Syllable of what it contained. Therefore, as I hear no new Arguments againſt it, I look upon what has been ſaid with ſo much Vehemency, as the Effect of Paſſion and Diſappointment, rather than the Dictates of Reaſon. I am therefore for agreeing to the Reſolutions.

Anno 12 Geo. II. 1738-9.

§ Sir Charles Wager.

Anno 12 Geo. II. 1738-9.

Mr. Fitzakerley.

SIR,

Mr. Fitzakerley.

'I riſe up to anſwer for my Honourable Friend and the other Gentlemen, whom I have the Honour to be acquainted with, in regard to what has been ſaid by the Honourable Gentleman who ſpoke laſt. As to the Reaſons offered againſt this Convention, Sir, they muſt ſtand or fall by themſelves. All that I ſhall ſay at preſent is, that they are approved of by every Man of Senſe and Honeſty without Doors. But with regard to the Motives of oppoſing the Convention, I take it upon me to declare in behalf of my Friends that they are not perſonal. I dare ſay, if there had been any one Thing in this Convention that could have been approved of, the Honourable Gentlemen would have given it its due Weight. As for myſelf, I am far from either cenſuring or envying any Gentleman who has the Honour of enjoying the Royal Favour. The Right Honourable Gentleman, who, I believe, has the greateſt Share in it, is a Perſon whom I know (from my own Experience, Sir, I can ſay it) to be as well qualify'd for a firſt Miniſter as any Man in this Nation. He has in this Debate acquitted himſelf with as much Ability as any Gentleman that ever ſat in this Houſe, who had ſo ill a Cauſe to defend, ever did. He has diſcharged the important Poſts he has enjoy'd with great Capacity; and his Temper and Moderation is beyond Diſpute the moſt extraordinary of any Man I ever knew. In ſhort, Sir, his Character in private Life is amiable even in the Eyes of thoſe who differ from him in Public. It may be my Misfortune, that I differ with him on this, or any other Occaſion; but, Sir, I do it upon ſo ſtrong a Conviction, that our agreeing to this Addreſs will be the moſt fatal Meaſure this Houſe ever enter'd into, that if the Right Honourable Gentleman is determined to carry it by a Majority, I ſhall never again appear in this Houſe till I perceive a Change of Meaſures.'

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'I ſtand up to expreſs my Acknowledgments to the Honourable Gentleman who ſpoke laſt, and am ready to do his Character that Juſtice which all the World does; that he is a very Learned Lawyer, and has as thorough an Underſtanding of the Laws and Conſtitution of this Country as any Man in it. But, Sir, it is really ſurprizing, if I poſſeſs any Part of thoſe great Abilities and Qualifications the Honourable Gentleman has been ſo kind to aſcribe to me, whence it ſhould happen, that for theſe ten Years paſt, in which that Learned Gentleman and I have

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ſat together in this Houſe, I have had the Misfortune to differ with him in every ſingle Point that has admitted of the leaſt Debate.'

Anno 12 Geo. II. 1738-9.

Colonel Mordaunt.

SIR,

Colonel Mordaunt.

'I have upon many Occaſions obſerved, that by the Art of Miniſters, or by the Art of thoſe who would be Miniſters, a popular Cry has been raiſed, by which the giddy Multitude have been led, like Children in a Leading-ſtring, and induced to favour or join with thoſe who firſt raiſed the Clamour, tho' the End they were driving at appeared to be directly contrary to the Cry they had raiſed. In a late Reign, a Clamour was raiſed among the People, 'That 'the Church was in Danger.' This Cry was firſt begun by thoſe who were not, but had a ſtrong Mind to be Miniſters; and it was ecchoed back by the People from all Corners of the Kingdom. Thoſe who put the People into this general Fright got their Aim. They got themſelves made Miniſters; and they endeavoured to ſupport themſelves in Power, by the ſame Means by which they had got it: During their Adminiſtration, the popular Cry continued to be, 'The Church was in Danger;' and yet many are miſtaken, if they were not, during the whole Time of their Adminiſtration, ſecretly driving at an End, which would have brought the Church into real Danger.'

'Upon the preſent Occaſion I obſerve, that the general Cry raiſed among the People is, 'Our Trade is in Danger.' I do not know, Sir, by whom this Cry has been raiſed; but I am ſure, it has not been raiſed by our Miniſters; and if it has been raiſed by thoſe who are for involving the Nation in War, it muſt be allowed, that the End they are purſuing is abſolutely inconſiſtent with the Cry they have raiſed; for War will certainly bring our Trade into real Danger. At preſent, I cannot think our Trade in any real Danger; and I have good Reaſon for thinking ſo; becauſe in a Debate of twelve Hours, I obſerved there was but one Merchant that ſpoke againſt this Treaty; and now I obſerve, that one of our greateſt Merchants, one who ought to have as great a Concern for Trade as any Member of this Houſe, is ſitting in a Place from whence he cannot ſpeak §.

Mr. Alderman Willimot having taken his Seat in the Houſe, ſaid,

SIR,

Mr. Alderman Willimot.

'My Reaſon for not ſpeaking upon this Queſtion was not, becauſe I do not think our Trade in Danger: On the

§ The Gallery.

Anno 12 Geo. II. 1738-9.

contrary, I think it will be abſolutely ſacrifiſed, if we approve of this Convention; but the Affair has been ſo fully, and ſo well ſpoke to by other Members, the fatal Conſequences of our agreeing to give a Sanction to this Preliminary have been ſet in ſo clear a Right, and ſo little ſaid in its Favour, that I thought there was no Neceſſity for my giving you any Trouble upon this Occaſion.

'Now I am called upon, Sir, I muſt obſerve, that our Trade is at preſent, I think, in the moſt imminent Danger. A juſt and a well conducted War can never bring our Trade into any Danger. But if we ſhew that we dare not reſent any Injury done to our Trade; if we allow our Merchants to be plundered, and our Seamen murdered and tortured with Impunity, our Trade will not only be in Danger, but muſt be undone. To this I muſt add, Sir, that with regard to the Treaty now under our Conſideration, the Honour of the Nation is as much concerned as its Trade; and therefore it aſtoniſhes me to hear the Honourable Gentleman that ſpoke laſt, or any Gentleman of his Character, making light of ſuch a Subject; for if the Gentlemen of our Army ſhould make themſelves merry with the Honour of their Country, or ſhould join in ſacrifiſing it, by giving a Parliamentary Sanction to an infamous Treaty of Peace, I am ſure they would be at leaſt as blameable, as thoſe Merchants who ſhould make a Joke of, or join in ſacrifiſing its Navigation and Commerce.'

Diviſion Ayes 244, Noes 214.

The Queſtion being put, the Reſolutions were agreed to; Upon a Diviſion, Ayes 244, Noes 214.

The Queſtion was then put upon the Addreſs as drawn up, and Sir William Windham ſpoke as follows.

SIR,

Sir William Windham.

'I do not riſe up, after ſo long a Debate, to give you again my Sentiments upon the Convention, which we are now, it ſeems, to approve of; but to expreſs my great Concern at what I have ſeen happen. In all the Variety of Company I have kept, I have never heard a ſingle Perſon without Doors pretend to juſtify this Convention; and when the Sentiments of Particulars were ſuch, I did not expect, when they were met together in a Body, to ſee a Majority vote for it. This muſt be owing to one of theſe two Cauſes: Either Gentlemen were convinced by the Arguments made uſe of in this Houſe for juſtifying this Convention, or there are other Methods of convincing beſides Reaſon. I am not at Liberty to ſuppoſe it the latter, therefore, I muſt ſuppoſe it the former. But this, Sir, is to me a very melancholy Conſideration; for tho' I have attended with the utmoſt Regard to all that has been ſaid upon this Convention, I have not heard a ſingle Argument in its Fa-

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your that has had the leaſt Weight with me. This, I ſay, Sir, is a very melancholy Conſideration to me, ſince it makes me conclude, that I have not common Senſe, becauſe I find I cannot be convinced by the Strength of common Reaſon; and therefore I think myſelf very unfit to do my Duty in this Houſe. While I ſit here, I am reſolved never to be directed by any thing but Reaſon; and, as I muſt now conclude, that I do not underſtand Reaſon when I hear it, I muſt think myſelf incapable of doing my Duty in this Houſe; therefore I am reſolved to retire to the Country, and there perform my Duty as far as I am able, by acting in Conformity to the Laws, and in Obedience to the Government. Anno 12 Geo. II. 1738-9.

'However, I muſt beg Gentlemen to conſider the Conſequences of the Vote they are now going to give. This Addreſs is intended to convince Mankind, that the Treaty now under our Conſideration is a reaſonable and an honourable Treaty for this Nation; but if a Majority of 28, in ſuch a full Houſe, ſhould fail of that Succeſs; if the People ſhould not implicitly reſign their Reaſon to a Vote of this Houſe, what will be the Conſequence? Will not the Parliament loſe its Authority? Will it not be thought that, even in Parliament, we are governed by a Faction? And what the Conſequences of this may be, I leave to thoſe Gentlemen to conſider, who are now to give their Vote for this Addreſs. For my own Part, I will trouble you no more; but, with theſe my laſt Words, 'I ſincerely pray to 'Almighty God, who has ſo often wonderfully protected 'theſe Kingdoms, that he will graciouſly continue his 'Protection over them, by preſerving us from that im-'pending Danger which threatens the Nation from with-'out, and likewiſe from that impending Danger which 'threaten our Conſtitution from within.'

Sir Robert Walpole.

SIR,

'The Meaſures which the Gentleman who ſpoke laſt, and his Friends, may purſue, give me no Uneaſineſs. The Friends of the Nation and his Majeſty are obliged to them for pulling off the Maſque, by making this public Declaration. We can be upon our Guard, Sir, againſt open Rebellion, but 'tis hard to guard againſt ſecret Treaſon. The Faction I ſpeak of, Sir, never ſat in this Houſe, they never joined in any public Meaſure of the Government but with a View to diſtreſs it, and to ſerve a Popiſh Intereſt. The Gentleman who is now the Mouth of this Faction was looked upon as the Head of theſe Traitors, who 25 Years ago conſpired the Deſtruction of their Country, and of the Royal Family, to ſet a Popiſh Pretender upon the Throne. Sir Robert Walpole.

Anno 12 Geo. II. 1738-9.

Throne. He was ſeized by the Vigilance of the then Government, and pardoned by its Clemency; but all the Uſe he has ungratefully made of that Clemency has been to qualify himſelf according to Law, that he and his Party may, ſome time or other, have an Opportunity to overthrow all Law.

'I am only afraid, Sir, that they will not be ſo good as their Word, and that they will return to Parliament; for I remember that, in the Caſe of a favourite Prelate who was impeached of Treaſon, the ſame Gentleman and his Faction made the ſame Reſolution. They then went off like Traitors as they were, Sir; but their Retreat had not the deteſtable Effect they expected and wiſhed, and therefore they returned. Ever ſince, Sir, they have perſevered in the ſame treaſonable Intention of ſerving that Intereſt by diſtreſſing the Government. But I hope their Behaviour will unite all the true Friends of the preſent happy Eſtabliſhment of the Crown in his Majeſty's Perſon and Family more firmly than ever; and that the Gentlemen who, with good Intentions, have been deluded into the like Meaſures, will awake from their Deluſion, ſince the Trumpet of Rebellion is now in a manner ſounded.'

The Event of this Debate having produced the memorable Seceſſion, by which ſeveral eminent Members of the Minority abſented from the Service of the Houſe; the Queſtions of Importance that paſſed afterwards in that Seſſion, paſſed rather by a Diviſion than a Debate. But as a great many Bills of great Conſequence to the Trade of the Nation were brought in during the remaining Part of the Seſſion, we ſhould be unpardonable if we did not lay before our Readers the principal Part of the Proceedings of thoſe Gentlemen who remained with the Houſe.'

Petition about Wool.

March 13. The Houſe received a Petition of the Traders in the Woolen Manufacture, viz. Clothiers, Sergemakers, Combers, Weavers, and other Inhabitants within the Town of Aſhburton, in the County of Devon, in behalf of themſelves, and all others concerned in the ſaid Woolen Manufactures throughout Great Britain, complaining of the Decay of the Woolen Manufactury, and praying ſuch Relief as to the Houſe ſhould ſeem to meet.

Referred to a Committee of the whole Houſe.

The ſaid Petition was referred to a Committee of the whole Houſe, as were the ſeveral Petitions upon the ſame Subject that had been preſented that Seſſion, and which were ordered to lie upon the Table.

Reſolutions of the ſaid Committee.

March 16. The Houſe having reſolved itſelf into a Committee upon the ſaid Affair, they came to the following Reſolutions, viz.

That

That it is the Opinion of this Committee, 1. That the ſeveral and reſpective Duties payable by ſeveral Acts of Parliament now in Being upon Bay Yarn and Woolen Yarn imported into this Kingdom from Ireland, ſhall from, and after the firſt of May 1740, ceaſe, determine, and be no longer paid. 2. That the Proviſions made by an Act of the 9th and 10th of King William the Third, entitled, An Act for the Explanation and better Execution of former Acts made againſt Tranſportation of Wool, Fullers Earth, and Scouring-Clay, to prevent the clandeſtine Running of Wool from the Sea Coaſts of Kent and Suſſex, by entering and regiſtering the ſame, be extended round the Sea Coaſts of Great Britain and Ireland, with Additions to render the ſame more effectual. 3. That the Liberty of exporting Wool and Woolen Yarn from Ireland to England be extended to the Ports of Limerick, Galway, and Dundalk, in the Kingdom of Ireland. 4. That no Wool or Woolen Yarn ſhall be brought from Ireland into this Kingdom, but in regiſtered Ships. 5. That farther Proviſion be made for preventing the fraudulent Exportation of Wool from Great Britain or Ireland, under Pretence of being fully manufactured. 6. That no Wool, Wool-fells, Mortlings, Shortlings, Wool-ſtocks, Worſted Bay, or Woolen Yarn in Great Britain or Ireland, ſhall be packed up in any Box, Barrel, Caſk, Caſe, Cheſt, or any other Package, but in Leather, or Canvas, commonly called Pack-Cloth, and properly marked. 7. That ſome farther Proviſion be made to prevent the Exportation of Wool from Great Britain, and of Wool and Woolen Manufactures from the Kingdom of Ireland to foreign Parts, by giving ſufficient Power for the taking and ſeizing of Ships, Veſſels and Boats, having on board ſuch Wool or Woolen Manufactures. 8. That no Wool-fells, Mortlings, Shortlings, Combed Wool, Yarn, Worſted, Cruels, or Wool, ſlightly manufactured, ſhall be carried in any Ships, Veſſel, or Boat, Coaſtwiſe, or from one Port to another, unleſs Notice be firſt given to the Commiſſioners, or chief Managers of the Cuſtoms, or to the Cuſtomer, Collector, or chief Officer of the Port to which it is intended to be ſent. Anno 12 Geo. II. 1738-9.

Theſe Reſolutions being reported to the Houſe, were all agreed to without Amendment, excepting the Third, which was amended by adding the Ports of Newry, Wexford, Wicklow, and Sligo, to the three Ports therein mentioned. Agreed to by the Houſe.

Ordered, That Leave ſhould be given to bring in a Bill purſuant to the ſaid Reſolutions, and that Mr. Secretary at War, Mr. Walpole, Mr. Chancellor of the Exchequer, Colonel A Bill order'd in

Anno 12 Geo. II. 1738-9.

Colonel Bladen, Sir John Barnard, Mr. Earle, Mr. Thomſon of York, Mr. Glanville, Mr. Vere, and Mr. Lindſay do prepare and bring in the ſame,

Petition from the City of Exon relating to the Wool Bill.

April 3. A Petition of the Mayor, Aldermen, Common Council, Citizens, and principal Inhabitants of the City of Exon, was preſented to the Houſe and read; in which the Petitioners highly approved of the before-mentioned Reſolutions, and ſubmitted to the Conſideration of the Houſe, that the Woolen Manufacture in that City, and Parts adjacent, had for many Years laboured under great Diſcouragements and Diſadvantages for want of having an Opportunity of importing Wool and Woolen Yarn from Ireland into that Port, and having the Duty of Fourpence per Stone, payable on all Wool exported from Ireland taken off; for that the Petitioners were by that Means not only put to the extraordinary Charge of a Land-Carriage for forty Miles; but alſo that the Iriſh, as the Petitioners apprehended, were laid under a kind of Neceſſity of finding a Market for their Wool in foreign Parts, ſince they were deprived of the Liberty to make the beſt Price of their Wool in all the Southern and Eaſtern Parts of England, where it was moſt wanted, and moſt likely to be purchaſed and wrought up. That ſince the Houſe had been pleaſed, by one of its Reſolutions, to extend the Liberty of exporting Wool and Woolen Yarn to England in regiſter'd Ships to ſeveral Ports of Ireland, (which Reſolution the Petitioners apprehended would highly tend to the general promoting the Woolen Manufactures of this Kingdom, it was both reaſonable and neceſſary, in order to render the Attainment of this moſt deſerable End more effectual, that the Importation of Wool into England might not be confined to a few Ports on the North Side of this Kingdom, where very little Wool was made uſe of, but that the other more conſiderable Trading Ports on the South and Eaſtern Sides of this Kingdom might alſo have the Benefit of Wool and Woolen Yarn from Ireland in regiſter'd Ships extended to them, and particularly the Port of Exeter, ſo that the whole Kingdom might become a proper Market for the ſame, and eſpecially that City where it was of ſuch general Uſe.

April 18. A Petition of the Merchants and others of the Port of Lancaſter was preſented to the Houſe and read, repreſenting, that the Port of Lancaſter was very advantageouſly ſituated for the Importation of Iriſh Wool and Bay Yarn, being on the North and Weſt Coaſt of this Kingdom, and nigheſt to the Towns of Leeds, Halifax, and Wakefield, the moſt conſiderable Places for the Woolen Manufacture in the Northern Parts of this Kingdom; and

that the Wool produced in that and the other Northern Counties of this Kingdom was very coarſe, and that Iriſh Wool, being generally of a finer Sort, would be very proper to mix therewith, and would greatly tend to improve the ſaid Manufacture; and therefore praying that the Liberty of importing Iriſh Wool and Bay Yarn might be extended to that Place. Anno 12 Geo. II. 1739.

Theſe were the moſt material Petitions preſented in favour of the Bill, but *April* the 12th there had been a Petition preſented to the Houſe and read, of the principal Inhabitants of the Borough of Minehead in Somerſet, in behalf of themſelves and many others, Traders concerned in the Woolen Manufactures; alledging, that the taking off the Duty from Iriſh Yarn would, as the Petitioners conceived, encourage the Iriſh to enlarge that Branch of Manufacture and Exportation thereof, which was already become very conſiderable; and thereby deprive Multitudes of the Poor in that Borough, and other Places of the Kingdom, eſpecially Combers and Spinners, of their Labour; the Conſequence of which might increaſe Pariſh Charges, and bring a further Load on Lands, and alſo depreciate the Price of our own Wool; and would not, as the Petitioners conceived, conduce to the Preſervation of Wool, when, as the French and others for the Support of their Woolen Manufactures might give an advanced Price, ſome would be taken with the Temptation of that Gain, and therefore, for the Good of the general, (tho' ſome particular Places might deſire it) the Advantage of the Revenue, the Employment of the Poor, praying, that the Duty thereon might continue, and alſo praying, that no more Ports might be opened. Petition of the Inhabitants of Minehead againſt the Wool Bill.

April 19. The Bill was preſented to the Houſe by Colonel Bladen, read a firſt Time, ordered to be read a ſecond Time, and to be printed. In the mean time, a Petition of the ſeveral Perſons, whoſe Names were thereunto ſubſcribed, and ſeveral others concerned in the Importation of Pelts and Wool from Ireland, to the Port of Cheſter, was preſented to the Houſe and read, repreſenting, The Bill preſented to the Houſe.

That a Duty is paid both in Ireland and England on all Pelts imported into Great Britain, which occaſions the People of Ireland often to pull the Wool there, and afterwards dreſs the Skins, and make Gloves thereof, which Gloves and Wool are frequently run, to the great Prejudice of the fair Trader; and that the Petitioners conceive, that if the Duty on Pelts was taken off in England and Ireland, it would effectually prevent the pulling the Wool off the Pelts in Ireland, and be a very great Encouragement for them to Petition from Cheſter upon the Wool Bill.

Anno 12. Geo. II. 1739.

import the ſame into England; and that the Petitioners do believe, if the ſaid Duties were taken off, it would not be any way prejudicial to the Revenue of Great Britain, but rather an Increaſe of it by the Duties paid for Leather, and for the Salt made uſe of in the curing the ſame, which in this Caſe would be much larger, by reaſon of the greater Importation of Pelts; and that the greateſt Part of Yarn imported into England from Ireland is landed at Briſtol, and the principal Part of raw Wool from the ſame Kingdom is imported into Cheſter and Liverpool, and manufactured in the Counties of York and Lancaſter, to the great Support of the Poor of thoſe Counties; and that the Petitioners are much afraid, if any Port be opened beyond the Land's End, for the Importation of Wool from Ireland to England, the ſame will not only give a greater Opportunity to run the Wool into France, but be the Ruin of the poor Manufacturers of the ſaid Counties of York and Lancaſter; and therefore praying for ſuch Relief, as the Houſe ſhall think fit.

The Bill read a ſecond Time.

May 10. The Bill being read a ſecond Time, a Petition of the Perſons whoſe Names were thereunto ſubſcribed, in behalf of themſelves, and the reſt of the Gentlemen, Graziers and Farmers of the Diviſion of Lindſey, in the County of Lincoln, was preſented to the Houſe and read, repreſenting,

Petition from Lindſey in the County of Lincoln on the ſame.

That within the Memory of moſt of the Petitioners, the Price of Wool is fallen near one Half, whereby the Tenants, who pay the ſame Rents as when the Wool was deareſt, or greater, are diſabled from holding their Farms without proportionable Abatement of Rent, or to diſcharge the great Arrears that are owing to their Landlords; and that by importing Wool from Ireland, the Price of Engliſh Wool muſt not only be reduced ſtill lower, but great Part thereof will not be ſaleable at all, the Growth of that Commodity being already too great for the Market; and that the Petitioners do not conceive how the taking off the Duties from Iriſh Yarn, and increaſing the Number of Ports, as intended by the Bill now before the Houſe, can be a Means of preventing the Exportation of Iriſh Wool or Woolen Manufactures to foreign Parts, or why as effectual Methods may not be taken to prevent ſuch Exportation while thoſe Duties continue, and the Ports which give Opportunities of exporting are fewer; but that the Petitioners apprehend, that as the taking off thoſe Duties will lower the Price of Wool in England, ſo it will advance the Value of Wool in Ireland, and conſequently bring the Iriſh and Engliſh

liſh Lands to an Equality; tho' the Rent now paid for one is double the Rent paid for the other; and whilſt it invites the Iriſh Tenants to turn their Lands to the keeping of Sheep, which will diſcourage the Linnen Manufacture there, it will oblige the Tenants in England, in order to make their Rents by Corn, which they will not be able to make by Wool, to plough up their Sheepwalks and Paſtures, and thereby ruin the Farmers here; and that the Price of the Wool itſelf is ſo conſiderable in all Manufactures, that the reducing it will undo the Grower, without any Benefit to the Manufacturer, or even bringing it cheaper to Market, as the Trade is now managed, it being well known that Woolen Goods ſell as dear now as when Wool was double the Price, tho' all Neceſſaries of Life are much lower now than they were at that Time, and the Manufacture rather worſe than better; and that, if the Petitioners for the Bill may themſelves be believed, now that the Wool is the cheapeſt, the Trade is in the utmoſt Decay; which ſhews, that as the Greatneſs of the Price of Wool has not been the Grievance, ſo neither will a Reduction of it be the Remedy; and that the Petitioners apprehend it would plainly appear, had they Time to make a proper Application to the Houſe, that if the Bill now before the Houſe ſhould paſs into a Law, it will bring down the Rents of all Engliſh Lands, or ſtarve the Tenants, and ſuch of the Poor as live by Spinning, (whoſe Wages ſince the Importation of Iriſh Yarn are already leſſened one third Part) and will be an Advantage only to a few Maſter-Workmen, Merchants, and Factors, who under the Pretence of a public Good ſeek only to amaſs to themſelves great Eſtates by oppreſſing the Body of the People, whoſe Labours are the Foundation of the Trade itſelf, and the Support of the Nobility and Gentry of the Kingdom; but that the Petitioners hope the Houſe will find Means for ſatisfying the reaſonable Deſires of the one, without ruining the other, and for encouraging the Woolen Trade in general, by allowing all who contribute thereto, from the Grower to the Exporter, a reaſonable Share of the Profit that is to be made thereby. Anno 12. Geo. II. 1739.

The Houſe then reſolved itſelf into a Committee upon the ſaid Bill, in which having fully conſidered the Allegations of the ſaid Petitions they paſſed the Bill, which likewiſe paſſed the other Houſe without any Amendments, and received the Royal Aſſent. The Bill committed.

Having thus regularly ſtated the Progreſs of this Bill, which was of ſo great Conſequence to our Trade, we ſhall go on to another of equal Importance which paſſed Sugar Bill.

Anno 12.Geo II. 1739.

this Seſſion, and obſerve the ſame Method as in the former.

Petition from the Planters, &c. in America.

March 14. A Petition of the Merchants, Planters, and others, trading to and intereſted in his Majeſty's Sugar Colonies in America, was preſented to the Houſe, and read; ſetting forth the Importance to this Kingdom of the ſaid Colonies and the Trade thereof; and repreſenting the preſent flouriſhing Condition of the French Sugar Settlements, and the preſent low Condition of the Britiſh Colonies; and attributing this ſurpriſing Alteration, amongſt others, to the following Cauſes, viz. to the very Duties both at Home and in the Plantations on our Engliſh Sugars, compared with thoſe laid on the French; to the Supplies of Proviſions and other Neceſſaries the French have from Ireland and North America, without which they could not ſubſiſt; and to the Reſtraints the Britiſh Colonies are under, as the Laws now ſtand, from ſending any Sugars, Coffee, Cocoa, Indigo, and Ginger, to foreign Markets, before they are firſt landed in Great Britain, by which Means they are liable to the great Charge, Riſque, and Delay attending a double Voyage; and repreſenting, that the Liberty of a direct Exportation of the Products of our Sugar Iſlands to the ſeveral foreign Ports in Europe is the only Means left to regain the foreign Sugar Trade; and expreſſing the Hope of the Petitioners, that the great Advantage the Trade and Navigation of Great Britain, as well as the Province of South Carolina, have received by a Liberty of the ſame Nature with regard to Rice, will be a farther Inducement to this Houſe to grant this Liberty to our Sugar Plantations; and further repreſenting, that another great Diſadvantage to the Britiſh Sugar Settlements ariſes from the Duties payable on Cocoa, Coffee, Ginger, and Rum imported into Great Britain from the Britiſh Colonies, and the Prohibition to ſell Rum in leſs Quantities than two Gallons; and ſetting forth, that as the Petitioners have with great Deference ſubmitted to the apparent Diſadvantages they labour under by the Act againſt retailing ſpirituous Liquors in leſs Quantities than two Gallons, without preſuming to aſk any Alteration in the ſame, they are encouraged to hope, that the Duty and Exciſe on Rum ſhall be leſſened; and repreſenting a further great Diſcouragement the Britiſh Sugar Colonies labour under from the Importation of French Sugars, Rum, and Molaſſes, into Great Britain, and our Northern Colonies in America, without paying any more Duty than if they had been of Britiſh Produce, the preſent Laws for preventing the ſame being moſt notoriouſly evaded, and by no Means ſufficient to remedy this Evil; and therefore repreſenting

ſenting it as a Matter abſolutely neceſſary for ſupporting the Sugar Colonies of this Kingdom, that the Laws already made for laying Duties on foreign Sugar, Rum and Molaſſes, imported into Great Britain and America, may receive ſuch Alterations and Additions, as may be ſufficient effectually to prevent all ſuch clandeſtine Commerce for the future; and further repreſenting, that the Trade in Indigo, which our Britiſh Colonies formerly ſupplied us with for Home and Foreign Conſumption, is now wholly gained from us by the French, from whom we are under a Neceſſity of buying almoſt all the Indigo we uſe; the Loſs of which Trade was entirely owing to the high Duties laid on this Commodity in Great Britain; and that there is too much Reaſon to fear the like ill Conſequences may attend the preſent high Duties on our Sugar, Cocoa, Coffee, and Ginger; and that the Neceſſity we are under for Indigo is ſo great, that when the Trade for that Commodity was in our own Hands, it was ſubjected to a greater Duty than it could bear, yet that now it is entirely in the Hands of Foreigners, the Legiſlature has thought fit, as an Encouragement to the Importation of it, to exempt it from paying any Duty at all; and that the Sum this Nation pays yearly to France for Indigo does not amount to leſs (as the Petitioners believe) than 150000 *l.* and therefore ſubmitting to the Conſideration of the Houſe, whether it would not be of great Benefit to the Public that ſome proper Encouragement ſhould be given to the planting of Indigo, ſo as thereby to be enabled to recover that Trade, and that ſuch a Reduction be made in the Duty and Exciſe on the other Weſt-India Commodities, as may preſerve and promote our Trade therein; and therefore praying the Houſe to provide ſuch ample and effectual Remedies as the Houſe ſhall judge proper.

Anno 12 Geo. II. 1739.

This Petition was referred to the Conſideration of a Committee of the whole Houſe, which, on the 22d, reſolved itſelf into a Committee of the whole Houſe to conſider of the ſame. March the 22d, the Houſe came to the following Reſolutions, viz.

Referred to a Committee of the whole Houſe.

I. That in order to encourage his Majeſty's Subjects in the Britiſh Sugar Colonies in America, to improve and extend their Settlements there, it was neceſſary they ſhould be permitted, for a limited Time, to carry Sugars of Britiſh Growth from the ſaid Colonies directly to foreign Parts, under proper Reſtrictions.

Reſolutions of that Committee.

II. That ſome more effectual Proviſions ſhould be made, for ſecuring the Duties laid upon the Importation of foreign Sugars, Rum, and Molaſſes into Great Britain, and his Majeſty's Plantations in America.

In

Anno 12 Geo. II. 1739.

In Purſuance of the firſt of theſe Reſolutions, a Bill was brought in on the 4th of April; and in Purſuance of the 2d another Bill was brought in on the 2d of May, both which were paſſed into Laws; but the firſt met with great Oppoſition.

Petition from the Merchants of Briſtol againſt the Bill.

April 5. A Petition of the Society of Merchant Adventurers of the City of Briſtol, under their common Seal, was preſented to the Houſe, and read; repreſenting, that ſhould a Law paſs, giving Liberty to the Planters and others intereſted in the Britiſh Sugar Colonies in America, to carry their Sugars and other Product to foreign Markets, without landing the ſame in Great Britain, it would be of the utmoſt ill Conſequence to the Petitioners and others his Majeſty's trading Subjects in Great Britain, and a great Deſtruction of Trade and Navigation; and therefore praying to be heard by themſelves and Counſel againſt the Bill.

Of the Corporation of Liverpool.

April 12. A Petition of the Mayor, Aldermen, and Merchants, of the Corporation of Liverpool, trading to the Britiſh Colonies in America, was preſented and read; ſetting forth, that the ſaid Bill, if it ſhould paſs into a Law, would neceſſarily decreaſe the Exportation of the Product and Manufactures of all Sorts of Goods from Great Britain, and that it would be greatly prejudicial to the Petitioners in particular, as well as to the Trade and Navigation of this Kingdom in general; and therefore praying to be heard by their Counſel againſt it.

Of the Merchants of London.

April 19. A Petition of ſeveral Merchants and others of the City of London was preſented and read; ſetting forth as follows, viz. that by an Act made in the 12th Year of the Reign of King Charles II. entitled, 'An Act for 'encouraging and increaſing Shipping and Navigation,' and ſeveral ſubſequent Acts of Parliament, the Trade of the Britiſh Colonies in America was reſtrained intirely to Great Britain, and under theſe Laws the Britiſh Sugar Plantations have been greatly increaſed and improved; and that the Petitioners conceived, ſhould the Bill now depending in the Houſe for granting Liberty to carry Sugars of the Growth, Produce or Manufacture of any of his Majeſty's Sugar Colonies in America from the ſaid Colonies directly to foreign Parts, paſs into a Law, it will render the Trade of thoſe Colonies leſs beneficial to this Kingdom, as it will turn Part of that Commerce into a new Channel, to the great Advantage of Foreigners, but to the great Prejudice of the Trade and Navigation of Great Britain; and that the Petitioners alſo conceive, that the paſſing this Bill will enable the Planters of the Britiſh Sugar Colonies in America, by large Exportations of Sugars directly to Holland

and

and other Countries, to make ſuch Countries a Mart for their Sugars, and bring Great Britain in a Manner dependent upon them for that Branch of Trade, by putting it in their Power to advance the Prices of Sugars in this Kingdom, whenever they may think fit, at the Expence of the whole People of Great Britain, and to the Ruin of the Manufactury of refined Sugars, which has ſo vaſtly increaſed in the Courſe of ſome Years paſt in this Kingdom; and will, beſides, give the Planters an Opportunity of ſupplying themſelves in ſuch foreign Countries with many Conveniencies of Life, and the Requiſites for planting, to the great Decreaſe of the Woolen, Linnen, and other the Manufactures of Great Britain and Ireland; and that the Petitioners likewiſe conceive, that all Perſons concerned in the making Sail-cloth, Cordage, and all other the Materials for Shipping, as well as in the repairing, victualling, and fitting out Ships in Great Britain, muſt neceſſarily loſe great Part of their Trade and Buſineſs; and that the Seamen on board all Ships, purſuing ſuch direct Voyages from the Britiſh Colonies to foreign Countries, will ſpend their Wages in ſuch Countries, where they unload the Sugars, to the great Prejudice of their Families, and the great Loſs of this Kingdom; and therefore praying, that the Houſe will be pleaſed to take the Premiſſes into Conſideration, and give them Leave to be heard by their Counſel againſt the ſaid Bill.

Anno 12 Geo. II. 1739.

April 26. A Petition of the Sugar Refiners in the City of London and Parts adjacent was preſented and read, repreſenting as follows, viz. that the Petitioners conſtantly give Employment to a great Number of Trades, ſuch as Blackſmiths, Copperſmiths, Plumbers, Back-makers, Bricklayers, Carpenters, Potters, Coopers, Tallow-Chandlers, Stationers, and others, beſides a great Number of menial Servants, who depend, for their Subſiſtence, on this Manufacture; and likewiſe conſume very large Quantities of Coals, which pay a very conſiderable Duty to the Public, as well as greatly increaſe the Navigation of this Kingdom; and that for three Years laſt paſt, the whole Produce of the Sugar Plantations have been taken off the Hands of the Proprietors at very high Prices; and had the Importation of Sugars been much larger, they had not wanted Purchaſers; for (notwithſtanding the Importation of Sugars to the Port of London the laſt Year amounted to upwards of ſixty thouſand Hogſheads, being, upon a Medium, the uſual Quantity annually imported for ſome Years paſt) many Sugar-houſes are now unemploy'd, for want of a ſufficient Supply of Sugar at Market; and that, ſhould the Bill now depending

Of the Sugar Refiners in London.

Anno 12. Geo. II. 1739.

depending in this Houſe, for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture, of any of his Majeſty's Sugar Colonies in America from the ſaid Colonies directly to foreign Parts, in Ships built in Great Britain, and navigated according to Law, paſs into a Law, the Quantity of Sugars imported into Great Britain will neceſſarily be much leſs, and conſequently the Price of Sugars will be higher, at the Expence of the Conſumers, and to the Decreaſe of the public Revenue; and as the Prices of refined Sugar will advance, in proportion to the Price of Muſcavados, it will occaſion not only leſs Conſumption of this Commodity, as well as of ſeveral other Commodities which pay Duties to the Crown, but will prevent the Exportation of any refined Sugars to foreign Countries, to the great Loſs of the Nation and of the Petitioners, and all others concerned in the manufacturing of Sugars in this Kingdom, by enabling Holland and Hamburgh, which are already ſupplied with Muſcavado Sugar cheaper than Great Britain, to be ſupplied ſtill cheaper, and to ſupply every other Country in Europe, much cheaper than Great Britain will be able to do, with the Manufactury of refined Sugars; and that by the Liberty aſked, the Difference of Price between the Markets of Holland and Hamburgh, and the Market of Great Britain, will be ſo great, as that it will probably be a Temptation to the Running of manufactured Sugars into this Kingdom, to the farther great Loſs of the Petitioners in particular, as well as the Nation in general; and therefore praying the Houſe to take the Premiſſes into Conſideration, and that the Bill may not paſs into a Law.

Other Petitions againſt the Bill.

Beſides theſe, there were Petitions of the ſame Nature with that from Briſtol and Liverpool, preſented in the Name of the Merchants and others of the City of Cheſter; in the Name of the Merchants of the Port of Lancaſter, and others; and in the Name of the Merchants and others of the Town Whitehaven.

Petitioners heard by Counſel.

April 30. The Bill was read a ſecond Time, when the Petition of the Merchants and others of London, and the Petition of the Society of Merchant-Adventurers in Briſtol, were read, and the Petitioners heard by their Counſel.

May 23. It was read a third Time and paſſed, and ſent up to the Houſe of Lords, where ſome Amendments were made, which were agreed to by the Commons, and the Bill received the Royal Aſſent at the End of the Seſſion.

May 3. A Meſſage from his Majeſty, ſigned by his Hand, was preſented to the Houſe, which being read from the Chair was as follows;

GEORGE

GEORGE REX,

Anno 12 Geo. II. 1739.

"HIS Majeſty being reſtrained by the Laws now in "Being, from making Proviſions for his younger "Children out of the Hereditary Revenues of the Crown, "in ſuch manner as his Royal Predeceſſors have uſually "done; and being deſirous that competent Proviſions "ſhould be made for the Honourable Support and Main-"tenance of his dearly beloved Son the Duke of Cumber-"land; and of his dearly beloved Daughters the four "younger Princeſſes; his Majeſty hopes that he ſhall be "enabled by Act of Parliament, to grant an Annuity of "15000 *l.* per Annum, to the Duke of Cumberland and "his Iſſue, and an Annuity of 24000 *l.* per Annum to the "four Princeſſes, to take Effect after his Demiſe, and re-"commends the Conſideration thereof to this Houſe."

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'The Meſſage that has been read will, I dare ſay, meet with no Obſtruction in this Houſe. It is with Pleaſure, Sir, that every good Subject ſees the Royal Line ſo ſtrong as to inſure a long Duration of Happineſs to theſe Kingdoms, in the Perſons of his Majeſty's Deſcendants; and the Attachment of his Royal Houſe to the Liberties of this Nation, give us all Reaſon to hope that ſucceeding Princes will tread in the Paths of his preſent Majeſty, who has been hitherto ſo careful of all his Subjects Rights, and ſo watchful over their Preſervation.

'Sir, his Majeſty has been ſo tender of aſking for any thing on account of his own Family, that they are now, in caſe of his Demiſe, in a more precarious Situation than the Children of any Gentleman of Fortune in England. In ſuch an Event, Sir, which Heaven avert, no Gentleman can, from the Hiſtory of our Conſtitution, take upon him to ſay in what Manner they have a Right to be provided for. I believe a future Parliament would reflect with Gratitude upon the Bleſſings of his preſent Majeſty's Reign, and make a ſuitable Proviſion for his Royal Progeny; but I imagine no Gentleman in this Houſe would chuſe to leave the Proviſion of his younger Children upon a precarious Footing. Parliaments like other Bodies are changeable: And it would be an unpardonable Neglect in his Majeſty as a Father, ſhould he leave ſo numerous an Iſſue to the Uncertainty of a Parliamentary Proviſion to be made after his Demiſe.

'The only other Method, by which his Majeſty's younger Children in ſuch a Caſe could be provided for, is by the Prince upon the Throne. But, Sir, tho' I have, and I believe every Gentleman has, the greateſt Opinion of the

Anno 12 Geo. II. 1739.

Virtues of the Royal Perſon, who is the Heir of the Crown yet we are to conſider, that his Royal Highneſs is bleſt with a young Progeny; and that, as no Man can anſwer for Events, if the two Royal Lives ſhould fall before the Children of his Royal Highneſs are of Age, the Government devolves upon a Regency; and give me Leave, Sir, to ſay, that there is no Precedent in this Nation, nor any poſitive Law now in being, that can determine, as the Royal Family muſt in ſuch a Caſe ſtand, to what Perſon the Regency devolves. This Conſideration is of itſelf ſufficient to juſtify the Application now made by his Majeſty to this Houſe; it is no more than any private Gentleman would do to put his younger Children above a precarious Dependance, and I dare ſay, that no Gentleman will think that his Majeſty ought to be put under Diſablilities, which every one here, who is a Father, would look upon as hard and unreaſonable.

'I hope Gentlemen are fully convinced, how becoming it is in his Majeſty as a Father to make ſuch an Application, and how becoming it is in us as a Houſe of Commons to anſwer it in the moſt effectual Manner; the only Conſideration, therefore, that Gentlemen can now have, is with regard to the *Quantum*, that is demanded by this Meſſage. As to that, Sir, I will venture to ſay, that when we grant it, it is the ſmalleſt Proviſion that ever was made for the Crown of Britain; nay, the whole of the Proviſion for four Royal Perſonages does not amount to one Half of what former Parliaments have thought but a moderate Proviſion for one. King James, Sir, when Duke of York, had 100,000 *l.* ſettled upon him by Act of Parliament; and that I think is the only Parliamentary Proviſion for younger Children, that can ſerve as a Precedent on this Occaſion; becauſe it is the only one ſince the Reſtoration; for before that Time the Crown had a great Property in Lands, and could without a Parliamentary Concurrence provide for its younger Children. King Charles IId had no lawful Iſſue of his own Body to provide for; the Children of King James were married, and their Settlements made before he came to the Crown; King William had no Children; Queen Ann had none, that lived till after ſhe came to be Queen; and the Daughters of his late Majeſty were married before his Acceſſion to the Throne of Britain. Upon the whole, therefore, I believe there never was a Demand made by the Crown more reaſonable and moderate than this is. It is for a Proviſion to younger Children, which cannot be made without Conſent of Parliament, and a Proviſion ſo moderate, that I dare ſay no other Objection

to

to it will be made in this Houſe, but that it is too little. Therefore I humbly move that Leave be given to bring in a Bill to enable his Majeſty to ſettle an Annuity of 15000 *l.* per Annum, upon his Royal Highneſs the Duke of Cumberland, and his Heirs, and alſo one other Annuity of 24000 *l.* per Annum, upon the Princeſſes Amelia, Carolina, Mary, and Louiſa.'

Anno 12 Geo. II. 1739.

Motion for 15,000 l. a Year to be ſettled by Parliament upon the Duke of Cumberland, and 24,000 l. a Year upon the Princeſſes.

The Anſwer to this was as follows;

Answer.

SIR,

'I don't ſtand up to oppoſe this Motion, ſo far from it that I agree in all that has been ſaid in Favour of his Majeſty's paternal Care, both of his Family and his Kingdom. I farther agree that the Proviſion to be made by Parliament in Favour of his Royal Highneſs is rather too ſcanty; I wiſh, Sir, the Meſſage had aſked for more; becauſe the more independent any Perſon ſo near the Crown is, ſo much the more Security we have for the Enjoyment of our Rights and Liberties.

'But tho' I have no Objection, yet I have ſome Difficulties with regard to a Bill of this Kind. The Honourable Gentleman has obſerved very properly, that this Proviſion cannot be made without our diſpenſing with Acts of Parliament, by which our Kings are bound up from diſpoſing of any of the Hereditary Revenues of the Crown, during their own Lifetime. Now, Sir, I am not Lawyer enough to know, whether our agreeing to a Mortgage (for this is no other) of the Hereditary Revenues of the Crown may not be looked upon by the next Prince as an Injury done to him as the Heir of Entail. This, Sir, I don't mention as an Objection, but as a Thing that may be proper to be conſidered.

'At the ſame time, Sir, I cannot but take Notice, that the preſent Circumſtances of this Nation, when a War with Spain ſeems unavoidable, call aloud that we ſhould be as ſparing as poſſible of every thing that may beget a future Burthen to the People. I have often obſerved in reading, and ſometimes from my own Experience, that the Civil Liſt is of a very growing Nature, and I am afraid that our paſſing this very Bill may, in Time to come, ſaddle the Nation with 39000 *l.* a Year more than it is at preſent. My Reaſon is, that the Miniſters of the ſucceeding Prince will in all Probability take Occaſion to apply to Parliament to have this 39000 *l.* made up to the Civil Liſt. For this Purpoſe they will uſe the Greatneſs of the preſent Civil Liſt as an Argument; they will inſiſt upon it, that it is unreaſonable the Crown ſhould then have a ſmaller Revenue than it had in the Reign of his preſent Majeſty; and we know the Complaiſance of late Parliaments too well to doubt

Anno 12 Geo. II. 1730.

doubt that they will refuſe to make it up the full Sum that his preſent Majeſty enjoys. But the Misfortune to the Nation does not lie here only; for when the Money, which we are to ſettle on the younger Children of his Majeſty by this Bill, ſhall revert to the Hereditary Revenue, I am afraid that the Money granted by Parliament to ſupply it, while it was deficient, will never revert to the Nation. My Reaſon for fearing this, is becauſe I could never hear of the Civil Liſt giving up any thing it was once poſſeſt of, however the Cauſes for which it was granted might ceaſe.

This naturally brings me to another Conſideration. Every-body is ſenſible what a vaſt Civil Liſt was granted by Parliament to his preſent Majeſty; and that it had not been ſo great, but with a View that the Prince of Wales was to have out of it 100,000 *l.* a Year, at leaſt as ſoon as he ſhould be married, and have a Family to maintain. Another Conſideration, that prevailed with Parliament, was his Majeſty's numerous Family, and the Expence of the Queen's Houſhold. Now, Sir, I believe moſt Gentlemen are ſenſib'e, that the Prince of Wales's Income from the Civil Liſt, does not exceed one Half of what the Parliament meant he ſhould enjoy; and that by the Death of the late Queen, there is at leaſt a Saving of 50000 *l.* a Year in his Majeſty's Expences. Therefore there is now in the Hands of the Miniſter at leaſt 100,000 *l.* per Annum more than the Parliament intended there ſhould be, when the preſent Civil Liſt was ſettled; and yet I don't hear of any Eaſe that the Public has got. I ſhould be glad to know, Sir, why this 100,000 *l.* a Year is not laid up for Proviſions to the Royal Progeny; if it were, I am ſure in a very few Years, and Heaven be praiſed there is a natural Probability that his Majeſty will live a great many, there would be a very handſome Proviſion for all the Royal Iſſue, without any Burthen to the Public.

'God forbid, Sir, that it ſhould ever be inſinuated, as if his Majeſty ought not to have the ſame Privilege with any private Gentleman to provide for younger Children; but I don't remember, Sir, any Inſtance of an annual Proviſion made by Parliament in Favour of the younger Daughters of the Crown. The Princeſs of Orange indeed had an annual Proviſion, but that was in Conſideration of her being the eldeſt Daughter; and to enable her the better to ſupport the Dignity of the eldeſt Daughter of the Crown of Britain. At preſent, Sir, Frugality ought to be our favourite Virtue, and tho' the Sum mentioned in this Meſſage is very moderate, yet I hope thoſe Gentlemen, who are in this Houſe and in the Miniſtry, will adviſe ſuch frugal Meaſures,

as that a Proviſion may be made for the Iſſue of his Majeſty, without laying any additional Burthen upon the Nation. Anno 12. Geo. II. 1739.

Sir William Young.

SIR,

'I am glad that the Honourable Gentleman who ſpoke laſt did not oppoſe the Bill, for it would be very ſtrange, if ſuch a Bill had met with the leaſt Oppoſition in this Houſe. But if I did not miſtake, he thought it would be a little dangerous for us to ſet aſide a poſitive Act of Parliament againſt the King upon the Throne, alienating any Part of his Hereditary Revenues. As to that Point, if it be conſidered, this Act was made in the Reign of the late King William, and yet a very few Years after it was ſet aſide in the Caſe of providing a Settlement in Favour of Prince George of Denmark. I never heard that the Parliament in thoſe Days thought any Inconveniency could ariſe from that Exception; and I am ſure that on this occaſion there is a great deal more to be ſaid in Favour of ſuch an Exception, than there was on that. Beſides, this Act was never meant to bind up our Princes from being able to provide for younger Children; it was only meant to prevent the Hereditary Revenues being diſpoſed of without Conſent of Parliament; becauſe it may be poſſible for a Prince to make ſuch Alienations, as may not leave a ſufficient Revenue to ſupport the Dignity of his Succeſſor. But all that his Majeſty requires by this Meſſage can never affect the Revenues; for ſome Proviſion to be ſure would be made for the younger Children of the Royal Family; that Proviſion muſt come out of the Pocket of the Nation; and this Meſſage is only to aſcertain the *Quantum*, and the Manner of ſuch a Proviſion, that his Majeſty may have the Satisfaction of knowing that his Children have a Certainty to depend upon. Sir William Young.

'As to the Legality of giving our Conſent to his Majeſty's making ſuch a Proviſion, I cannot ſee the leaſt Foundation in the World for doubting of it. The Honourable Gentleman talked of its being like making a Mortgage, without Conſent of the Heir of Entail. Sir, under Favour, I think this Houſe does not need the Concurrence of any Perſon to enable them to bring in a Bill of this Kind. I apprehend, that an Act of Parliament can bind any ſucceeding Prince; and that the Revenue, which is to fall by this Bill to the younger Children of the Royal Family, will be theirs as much as any Gentleman's Eſtate is his own; and that they will have the very ſame Right to it, that the Prince upon the Throne will have to his Revenue.

'The Fears which the Honourable Gentleman ſeemed

to

Anno 12. Geo. II. 1739.

to be under, leaſt this Bill, if it ſhall paſs into an Act, may increaſe the Revenue of the Crown, ſeem to me to pay no great Compliment to the Underſtanding or Honeſty of ſucceeding Parliaments. I apprehend, Sir, that you have many Inſtances upon your Journals of the Parliament's making Reductions of Grants, when the Reaſons for them ceaſed. If Gentlemen will foreſee Contingencies, that are but juſt barely poſſible, I don't know any thing we can do, to which unanſwerable Objections may not be made. Our paſſing this Bill is, I am ſure, a right Thing in itſelf, and I ſhall never be afraid of doing a right Thing now, becauſe a wrong Thing may be done by others hereafter.

'The Honourable Gentleman mentioned the Civil Liſt, as if it were ſufficient for ſupplying all the Ends of this Bill. But when Gentlemen (as they very often do) talk of the Greatneſs of the Civil Liſt, I wiſh that they would at the ſame time conſider how much there is to do with it. His Majeſty has a more numerous Family than any Prince that has ſat for many Years upon this Throne; and if we conſider the Expences that attend the maintaining ſuch a Family with proper Dignity, I will venture to ſay, that it even requires OEconomy to make the Civil Liſt, great as it is repreſented to be, to defray them, and to anſwer all the other Demands. It has always been thought worthy of the Caſe of Parliament, to make ſpecial Proviſions for the younger Children of the Royal Family; and I hope this Bill will paſs the Houſe with that Diſpatch, which the advanced Seaſon of the Year, and the Reaſonableneſs of the Thing itſelf requires.'

The Bill brought in and paſſed.

The Bill was preſented to the Houſe on the 9th of May, and having in two Days gone thro' all the neceſſary Steps, received the Royal Aſſent.

Beſides theſe there were 35 private Acts paſſed in this Seſſion; and upon Thurſday the 14th of June, his Majeſty concluded the Seſſion with the following moſt gracious Speech, viz.

My Lords and Gentlemen,

King's Speech

'THE Diſpatch you have given to the public Buſineſs that has been under your Conſideration, makes it proper to put an End to this Seſſion of Parliament, and to give you that Receſs, which the Seaſon of the Year requires.

'You have ſo fully declared your Sentiments, as well with regard to the paſt Conduct of Spain, as to the Meaſures that might become neceſſary to be purſued, in conſequence of any Part, which that Court might afterwards take,

' take, and enable me to act, in all Events, as the Honour ' and Intereſt of my Crown and Kingdom ſhall require, ' that no Inconveniencies can ariſe from the immediate Want ' of your further Aſſiſtance, during the Receſs of Parliament; and I ſhall ſo entirely rely upon the Aſſurances ' you have given me with ſo much Zeal and Unanimity, ' and upon your effectually ſupporting me in following the ' concurrent Advice of both Houſes of Parliament, that I ' will not be wanting in my Endeavours, to vindicate and ' maintain our undoubted Rights, and to anſwer the juſt ' Expectations of my People. Anno 12. Geo. II. 1739.

Gentlemen of the Houſe of Commons,

' I return you my Thanks for the neceſſary Proviſions ' you have made for the Service of the current Year, in ſo ' ample a Manner. The extraordinary Supply, which you ' have granted me, towards augmenting my Forces by Sea ' and Land, is ſuch a Proof of your Affection and Confidence in me, and of your conſtant Attention to the Service ' of your Country, that I cannot enough commend this ſeaſonable Care of the Welfare and Safety of the Kingdom.

My Lords and Gentlemen,

' I am perſuaded it is unneceſſary for me to recommend ' to your ſerious Conſideration, the fatal Conſequences that ' may threaten a Nation divided within itſelf, inflamed, ' and miſled by all the wicked Arts and Inſinuations, that ' Malice and Falſhood can ſuggeſt. It is too obvious, what ' Advantages our common Enemies wait to take from the ' Heats and Animoſities, that, under groundleſs Pretences, ' are induſtriouſly fomented, and ſpread throughout the Kingdom. Let all, who profeſs themſelves zealous Aſſertors ' of the Rights and Privileges, Laws and Liberties of their ' Country, and of the Proteſtant Religion under the preſent Eſtabliſhment, unite in the Defence of theſe ineſtimable Bleſſings. Let the Honour, Proſperity, and Safety ' of the Kingdom become one common Cauſe, and re' concile all civil Diſcords and Diviſions; that, by your ' Unanimity, you may diſappoint the only Hopes and vain ' Expectations of our Enemies.'

After which, the Lord Chancellor declared, that it was his Majeſty's Royal Will and Pleaſure, that the Parliament ſhould be prorogued to Thurſday the 9th Day of Auguſt then next; and prorogued it accordingly.

SPEECHES

SPEECHES and DEBATES

In the SIXTH SESSION of the *Second Parliament of* GEORGE II.

Anno 13. Geo. II. 1739.

ON Thurſday November 16, his Majeſty came to the Houſe of Peers, and being ſeated on his Throne in his Royal Robes, ſent for the Houſe of Commons, who attended accordingly, and his Majeſty was pleaſed to make, to both Houſes, the following moſt gracious Speech from the Throne.

King's Speech.

My Lords and Gentlemen,

'THE preſent Poſture of our Affairs has obliged me 'to call you together, at this Time, ſooner than has 'been uſual of late Years, that I may have the immediate 'Advice and Aſſiſtance of my Parliament at this critical 'and important Conjuncture. I have, in all my Proceed-'ings with the Court of Spain, acted agreeably to the Senſe 'of both Houſes of Parliament; and therefore I can make 'no Doubt, but I ſhall meet with a ready and vigorous Sup-'port in this juſt and neceſſary War, which the repeated 'Injuries and Violences committed by that Nation upon 'the Navigation and Commerce of theſe Kingdoms, and 'their Obſtinacy, and notorious Violation of the moſt ſo-'lemn Engagements, have rendered unavoidable.

'I have augmented my Forces by Sea and Land, pur-'ſuant to the Power given me by Parliament; which I have 'done with all the Moderation, that the Security and De-'fence of my Dominions, the Protection of our Trade, 'and the neceſſary Means of diſtreſſing and annoying our 'Enemies in the moſt ſenſible Parts, would admit: But as 'theſe Services will be various and extenſive, they muſt 'inevitably be attended with great Expences, and ſome In-'conveniencies; which, I aſſure myſelf, will be ſuſtained 'with Satisfaction and Chearfulneſs, in purſuing ſuch Mea-'ſures, as the Honour and Intereſt of my Crown and King-'doms, and the general Reſentment of an injured and pro-'voked Nation, have called upon me to undertake.

Gentlemen,

Gentlemen of the Houſe of Commons,

Anno 13 Geo. II. 1739.

' I have ordered the proper Officers to lay before you ' Eſtimates for the Service of the enſuing Year, and likewiſe Accounts of the extraordinary Expences that have ' been made this Year, in purſuance of the Power given ' me by Parliament. And as in the Proſecution of this ' War, a Number of Soldiers, to ſerve on board the Fleet, ' may be requiſite; I have judged it proper, that a Body of ' Marines ſhould be raiſed, and have directed the Eſtimates ' for this Purpoſe to be likewiſe prepared, and laid before ' you: And I cannot doubt, from your known Affection to ' my Perſon and Government, and your Zeal for the Safety, ' Proſperity, and Glory of theſe Kingdoms, but you will ' grant me ſuch effectual Supplies, and with ſuch Diſpatch, ' as may forward, and give Spirit to our Preparations, and ' enable me to carry on the War with Vigour.

My Lords and Gentlemen,

' The Heats and Animoſities, which, with the greateſt ' Induſtry, have been fomented throughout the Kingdom, ' have, I am afraid, being one of the chief Encouragements to the Court of Spain, to hold ſuch a Conduct towards us, as to make it neceſſary to have Recourſe to Arms; ' and the unhappy Diviſions amongſt my Subjects are the ' only Hopes of the Enemies to my Government: But ' whatever Views and Projects they may form upon this ' Rupture, and what Advantages ſoever Spain may vainly ' promiſe itſelf from any Circumſtances in the preſent Situation of Affairs; it is in your Power, by the Bleſſing of ' God, to defeat the one, and diſappoint the other. Union ' among all thoſe who have nothing at Heart but the true ' Intereſt of Great Britain, and a becoming Zeal in the ' Defence of my Kingdoms, and in the Support of the ' common Cauſe of our Country, with as general a Concurrence in carrying on the War, as there has appeared ' for engaging in it, will make the Court of Spain repent ' the Wrongs they have done us; and convince thoſe, who ' mean the Subverſion of the preſent Eſtabliſhment, that this ' Nation is determined, and able, both to vindicate their ' injured Honour, and to defend themſelves againſt all our ' open and ſecret Enemies, both at Home and Abroad.'

The Commons being returned to their Houſe, Mr. Speaker reported his Majeſty's Speech to the Houſe, and upon a Motion of Henry Archer, Eſq; the following Addreſs from the Commons was agreed to.

Anno 13 Geo. II. 1739.

Moſt gracious Sovereign,

'We your Majeſty's moſt Dutiful and Loyal Subjects, the 'Commons of Great Britain in Parliament aſſembled, beg 'Leave to return your Majeſty our unfeigned Thanks, for 'your moſt gracious Speech from the Throne, and to ex- 'preſs our entire Satisfaction in your Majeſty's Declaration 'of War againſt the Crown of Spain; a War, which the 'repeated Violences and Depredations committed by the 'Spaniſh Nation upon the Trade and Commerce of theſe 'Kingdoms, the notorious Violation of their moſt ſolemn 'Engagements, their obſtinate Refuſal of making Repa- 'ration for paſt Injuries, and of giving Security againſt the 'like for the future, have rendered juſt and unavoidable.

'It is with the higheſt Senſe of Duty and Gratitude we 'acknowledge your Majeſty's Wiſdom and paternal Care of 'your People, in making Uſe of the Power granted to your 'Majeſty by Parliament, for the Security and Defence of 'theſe Kingdoms, for the Protection of our Trade, and for 'the Diſtreſſing and Annoying our Enemies in the moſt ſen- 'ſible and effectual Manner; and we beg Leave to aſſure 'your Majeſty, that nothing ſhall divert or deter us from 'ſuſtaining, with Satisfaction and Chearfulneſs, any extra- 'ordinary Expences and Inconveniencies, that muſt inevi- 'tably attend the various and extenſive Services, which your 'Majeſty ſhall find neceſſary to undertake, in vindicating 'the Honour of your Crown, in aſſerting the Rights of 'your People, and in procuring Juſtice to an injured and 'provoked Nation.

'And we beſeech your Majeſty, to accept the ſtrongeſt 'and moſt affectionate Aſſurances, that, in Defence of your 'Majeſty's Kingdoms, and in Support of the common 'Cauſe of our Country, we will raiſe ſuch effectual Supplies, 'and with ſuch Chearfulneſs and Diſpatch, as will forward 'and give Spirit to your Majeſty's Preparations, and enable 'your Majeſty to carry on the War with Vigour.

'And your dutiful Commons, being truly ſenſible of the 'fatal Conſequences of inteſtine Heats and Animoſities, will, 'with a Zeal becoming the Repreſentatives of the Peo- 'ple in Parliament, endeavour to compoſe thoſe unhappy 'Diviſions, which have too long prevailed among your 'Majeſty's Subjects; and we do aſſure your Majeſty, that 'nothing ſhall be wanting on our Part, to reſtore to the 'Nation that Union and Harmony which may effectually 'defeat and diſappoint all the vain Projects, Hopes, and Ex- 'pectations of your Majeſty's open and ſecret Enemies, 'both at Home and Abroad.'

The

The Motion for the Addreſs was introduced in a Speech to the following Effect: Anno 13. Geo. II. 1739.

Mr. Archer.

SIR,

Mr. Archer.

'As his Majeſty has been pleaſed to declare in his Speech, that he has called us together ſo much earlier than uſual, that he might take the immediate Advice of his Parliament at this critical and important Conjuncture; give me Leave to expreſs the Joy and Satisfaction which I have in beholding ſo full a Houſe upon this Occaſion, and particularly in ſeeing ſome Gentlemen here again, whoſe great Talents and Experience have rendered them ſo able, and I hope I may now ſay they are — no leſs willing, to diſcharge this great Truſt and Duty to their King and Country.

'The great Cauſe of Debate amongſt us the laſt Seſſion is now at an End: We are now engaged in an open and declared War againſt a haughty, inſulting Enemy, whom neither Juſtice, nor Humanity, the Law of Nations, nor the ſacred Ties of Treaties could reſtrain from committing unheard-of Violence and Cruelties upon our Fellow-Subjects, and inſulting our Flag.

'During theſe Provocations we were not inſenſible of his Majeſty's Zeal and Impatience to engage in the glorious Cauſe of vindicating the Honour of his Crown, and aſſerting the Rights of his injured Subjects; but, like a common Father and Preſerver of his People, tender of their Lives and Welfare, and graciouſly regarding the Advice of his Parliament, he was pleaſed to interpoſe his Royal Endeavours with the King of Spain, in order to obtain, without the Effuſion of Blood, or Calamities of War, (which is the laſt of all Remedies when other Tryals fail of Succeſs) that Juſtice and Satisfaction, which nothing but the amazing Perfidy and Baſeneſs of the Spaniards could have refuſed.

'Give me Leave, Sir, to ſay, that in this was ſhewn true Fortitude and Greatneſs of Mind; for 'tis Ambition, 'tis Wantonneſs, and Military Folly that delights in Conqueſts; true Valour knows no other Aim than the Peace and Happineſs of Society But when ſuch Meaſures did not ſucceed, when it was found neceſſary to have recourſe to Arms, the ſame Zeal and unwearied Pains, which had been before employ'd for eſtabliſhing Peace and public Tranquillity, have been exerted in Military Preparations, and Armaments by Sea and Land, in order to annoy our Enemy in the moſt ſenſible Part: And all Europe muſt be now convinced, not only of the Juſtice of our Cauſe, but they will judge from our Conduct that we have entered into the War with Temper, and are carrying it on with the Spirit and Reſolution of a brave

Anno 13 Geo. II. 1739.

and provoked Nation. And 'tis with Pleaſure, Sir, that we muſt now behold the Naval Strength and Power of our Country, ſent forth to avenge our Wrongs, ſpreading Terror round the Coaſts of our Enemy, and aſſuming the Sovereignty of the Sea without a Rival. On the other hand, were we to view the Situation of our Enemy, he who ſo lately uſurped a Power over our Ships at Sea, preſcribed a Courſe to our Navigation, and vainly laid Claim to part of his Majeſty's Dominions at Land; to what is his Pride reduced? Not daring to venture out his Fleet at Sea, he creeps for Safety within his Ports.

'In this Situation we cannot but expreſs our Satisfaction in his Majeſty's Wiſdom and Conduct, and in the Vigour and Steadineſs of his Reſolutions; nor can we, without Ingratitude, forget his Royal Clemency and Moderation in time of Peace, and the tender and affectionate Concern which he has ſhewn for his People; Virtues which will always endear a Prince to his Subjects, and make him no leſs amiable in Peace than formidable in War.

'And if ever there was a Time which called for the warmeſt Expreſſions of Duty and Affection to the Throne, this ſurely is the Time; whilſt we are engaged in a War Abroad, and reproached, even by our Enemies, for our Diviſions and Animoſities at Home. Who is there, Sir, that can read the Spaniſh Manifeſto without the utmoſt Concern and Indignation? Britain *troubled with inteſtine Diviſions!* There is the Source and Spring of our Misfortunes; 'tis from thence that our Enemies have drawn their Hopes of Succeſs againſt us, and formed ſuch deſpicable Ideas of our Strength and Power, as to dare to contend with this Nation. But, Sir, 'tis not yet too late; we have it ſtill in our Power to diſappoint their Views and Expectations: Let us act with Union and Harmony amongſt ourſelves; let us join in the common Cauſe of our Country, and ſupport his Majeſty with Vigour and Unanimity; and we ſhall again make the Arms of Great Britain dreaded, and put a ſpeedy End to the War by a glorious and honourable Peace; and therefore I ſhall beg Leave to move, *as in the Addreſs.*'

Mr. Pultney.

SIR,

Mr. Pultney.

'The Honourable Gentleman, who made the Motion, has ſaid ſo much in Praiſe of the Wiſdom and Propriety of his Majeſty's and his Miniſters Conduct, that he has left little or no Room for me to add any thing to his Panegyrick. As to his Majeſty, I know that when he is honeſtly informed of the State of the Nation, of the Diſtreſſes of his People, and the Cauſes that produced them,

none,

none, even of thoſe who labour under the Evils, are more deſirous of ſeeing them redreſſed: As for his Miniſters, I have always, when I had an Opportunity, endeavoured to do them Juſtice; I wiſh that to do them Juſtice and Honour had been more frequently the ſame. But, Sir, before I take any Notice of the Motion made by the Honourable Gentleman, I ſhould ſpeak a little with regard to a Step taken by ſome of my Friends and myſelf laſt Seſſion, which we thought neceſſary, as Affairs then ſtood, for clearing our Characters to Poſterity from the Imputation of ſitting in an Aſſembly, where a determined Majority gave a Sanction to Meaſures, evidently to the Diſgrace of his Majeſty and the Nation. Anno 13 Geo. II 1739.

'This Step (however it has been hitherto cenſured) will I hope for the future be treated in a different Manner, for it is fully juſtified by the Declaration of War, ſo univerſally approved, that any further Vindication will be ſuperfluous. There is not an Aſſertion maintained in it that was not almoſt in the ſame Words inſiſted upon by thoſe who oppoſed the Convention. Every Sentence in it is an Echo of what was ſaid in our Reaſonings againſt that Treaty; and every poſitive Truth, which the Declaration lays down, was denied with the utmoſt Confidence by thoſe who ſpoke for the Convention. Since that Time, Sir, there has not one Event happened that was not then foreſeen and foretold: But give me Leave to ſay, Sir, that tho' the Treatment which we have ſince received from the Court of Spain may have ſwelled the Account, yet it has furniſhed us with no new Reaſons for declaring War; the ſame Provocations have only been repeated, and nothing but longer Patience has added to the Juſtice of our Cauſe. The ſame Violation of Treaties, the ſame Inſtances of Injuſtice and Barbarity, the ſame Diſregard to the Law of Nations, which are laid down as the Reaſons of this Declaration, were then too flagrant to be denied, and too contemptuous to be borne: Nor can any one Reaſon be alledged for juſtifying our going to War now, that was not of equal Force before the Convention. After that was ratify'd, Sir, and after the Addreſs of Parliament to his Majeſty on that Head, there was indeed ſome ſort of Pretext for not commencing Hoſtilities, becauſe you had laid yourſelves under a kind of Obligation to ſee if the Court of Spain would fulfil their Part of the Stipulations; but this was a Reaſon that could have no Place before that Conduct was entered into and approved. It is therefore evident that if the War be now neceſſary, it was neceſſary before the Convention: Of this Neceſſity the Gentlemen (known, however improperly, by the Name of Seceders)

were

Anno 13 Geo. II. 1739.

were then fully convinced. They ſaw, inſtead of that Ardour of Reſentment, and that Zeal for the Honour of Britain, which ſuch Indignities ought to have produced, nothing but Meanneſs, and Tameneſs, and Submiſſion; and their natural Conſequences, a low, temporary Expedient, a ſhameful Convention; a Convention which, had the Spaniards not madly broken it, muſt have ended in our Ruin, muſt have thrown our own Navigation into the Hands of our Enemies. To ſuch a Conduct as this they could give no Sanction; they ſaw that all Oppoſition was ineffectual, and that their Preſence was only made uſe of, that what was already determined might be ratify'd with the plauſible Appearance of a fair Debate. They therefore receded, if that Word muſt be uſed on this Occaſion, and refuſed to countenance Meaſures which they could neither approve nor defeat.

'The State of Affairs is now changed; the Meaſures of the Miniſtry are now altered; and the ſame Regard for the Honour and Welfare of their Country, that determined theſe Gentlemen to withdraw their Countenance from ſuch a Conduct as they thought had a Tendency to deſtroy them, the ſame has brought them hither once more, to give their Advice and Aſſiſtance in thoſe Meaſures, which they then pointed out, as the only Means of aſſerting and retrieving them.

'Having ſaid thus much, Sir, in Vindication of that Step, I ſhall not at preſent give myſelf the Trouble of enquiring into the Effects with which it was attended; or whether it had any Influence in producing this Declaration of War. Neither ſhall I take any Notice of the Unwillingneſs with which a certain Right Honourable Perſon near me is ſaid to have entered into this War. I ſhall only take Notice of the Motion for an Addreſs now made.

'Here, Sir, I am very willing to agree with the Honourable Gentleman in what he obſerved, with regard to the Wiſdom and Neceſſity of the Declaration of War, and the Inſults and Injuries we have received from that Nation, which is now the Object of our Reſentment; I am very glad to hear theſe Sentiments from that Quarter. But I have ſomewhat to add about the Means of making it conducive to the Honour and Intereſt of this Nation. There is one Meaſure, which, if conſtantly and reſolutely purſued by us, will make this War of moſt laſting Advantage to the Nation, and that is, Sir, to take and hold. Let us attack their Settlements in the Weſt-Indies with ſuch a Force as cannot be defeated; and let us put it out of the Power of any Miniſtry to give up the Conqueſts we ſhall make: We

ſhall

ſhall then put the Trade and Navigation of this Nation beyond all future Violation. Anno 13 Geo II. 1739.

'And here I beg Leave to obſerve, that all the Nation has juſt Reaſon to regret the Miſcarriage of a Bill which I had the Honour to bring in two Seſſions ago, by which his Majeſty's adventuring Subjects might have been encouraged to attempt Conqueſts upon the Enemy. If it had paſſed, I make no doubt, but before this Time we ſhould have ſeen the good Effects of it; for nothing, Sir, next to our own weak and inconſiſtent Conduct, has contributed more to the Inſolence of Spain, than a Notion which they entertain, that we neither can nor dare attack them in their moſt ſenſible Parts. If that Bill had paſſed, this Nation would ſoon have done itſelf ample Juſtice upon its Enemies, without putting the Government to one Shilling Expence. We have an Inſtance of the Spirit and Power, with which the private Adventurers of this Nation can act, in the glorious Reign of Queen Elizabeth; which was diſtinguiſhed by nothing more than the Succeſs of our Arms and Counſels againſt that Power which has now ſo long inſulted us. It was to private Adventurers that all the Succeſs of Sir Francis Drake was owing; and till that Spirit is revived, till we take and hold, we never can expect to ſee any Advantage ariſe to the Nation from this War: For which Reaſons I hope to ſee, before the End of this Seſſion, a Bill brought in with proper Clauſes to encourage not only his Majeſty's Forces, but his Majeſty's Subjects, to make Conqueſts in the Spaniſh Weſt-Indies. In the laſt great War, Sir, this was thought a very proper Conduct; and when one Bill for that Effect was not found ſufficient to anſwer every Objection that might ariſe, another Bill was paſſed a very little Time after more full and more explicit.

'Perhaps I have been a little too long on this Subject, and what I have ſaid would have come much more properly from ſome Gentleman in the Adminiſtration; but I thought myſelf obliged, Sir, to ſay thus much in Vindication of my own Conduct when I brought in that Bill, and of the Arguments I then uſed to enforce it. Another Reaſon why I have inſiſted ſo much upon it, is to do Honour to his Majeſty, who in his Speech certainly points to this Conduct, and to expreſs my Readineſs to ſupport the Miniſtry in that and all other Steps that ſhall be taken in order to carry on this War with Vigour and Advantage. I dare ſay, Sir, that all my Friends are of the ſame Opinion with myſelf; I can venture to anſwer for them, that there will be no other Conteſt on this Occaſion, but who ſhall be moſt forward in aſſiſting his Majeſty to act with the Weight that becomes the

Anno 13 Geo. II. 1739.

the Dignity of his Crown, and may make the Succeſs anſwerable to the Juſtice of his Cauſe,

'Having ſaid thus much, Sir, I am naturally led to conſider ſome Expreſſions both in the Speech and Motion, which I muſt own I could not, at firſt, hear without Concern, and to which longer Conſideration has not yet reconciled me. His Majeſty mentions Heats and Animoſities. Sir, I don't know who drew up this Speech; but whoever he was, he ſhould have ſpared that Expreſſion: I wiſh he had drawn a Veil over the Heats and Animoſities that muſt be owned once ſubſiſted upon this Head; for I am ſure none now ſubſiſt. Was it the Effect of theſe Heats and Animoſities (to uſe the Words of the Speech) *induſtriouſly fomented throughout this Nation*, that Spain, for twenty Years, treated us with all the Inſolence, Barbarity, and Injuſtice that could have been practiſed upon a Nation conquered and enſlaved? Was it the Effect of our Heats and Animoſities, that our Miniſtry concluded a Treaty with that Crown, which at once gave up all our Trade and Navigation to her Mercy? Was it owing to our Heats and Animoſities, Sir, that this Treaty was ratified, approved of, and muſt have been now in force, had not the Spaniards themſelves broke it? No, Sir; if there were Heats and Animoſities, they were occaſioned by the Miniſtry's not purſuing thoſe Meaſures they have now fallen upon. But ſince their Conduct is happily changed, all Animoſities are extinct; nor will they ever diſturb us again, till a Conduct, as much to the Diſcredit and Diſhonour of the Nation as that which gave riſe to them, ſhall make it neceſſary to revive them.

'I will make no Motion upon what I have ſaid; only I muſt repeat it once more, that I heartily wiſh, for his Majeſty's Honour and Service, that no mention had been made of Heats and Animoſities; and I think we ſhould more conſult the Reputation and Dignity of this Houſe, if in our Addreſs we ſhould take no Notice of that Clauſe of the Speech.'

Sir Robert Walpole.

Sir Robert Walpole.

SIR,

'After what paſſed laſt Seſſion, and after the repeated Declarations of the Honourable Gentleman who ſpoke laſt, and his Friends, I little expected that we ſhould have this Seſſion been again favoured with their Company. I am always pleaſed, Sir, when I ſee Gentlemen in the Way of their Duty, and glad that theſe Gentlemen have returned to theirs; though, to ſay the Truth, I was in no great Concern leſt the Service either of his Majeſty or the Nation ſhould ſuffer by their Abſence. I believe the Nation is generally

nerally ſenſible, that the many uſeful and popular Acts which paſſed towards the End of laſt Seſſion were greatly forwarded and facilitated by the Seceſſion of theſe Gentlemen, and if they are returned only to oppoſe and perplex, I ſhall not at all be ſorry if they ſecede again. Anno 13. Geo. II. 1739.

'The Honourable Gentleman who ſpoke laſt ſaid, That they took that Step, becauſe he and his Friends conceived that Meaſures were purſued which tended to ruin the Honour and Intereſt of this Nation; and that they have returned to their Duty, becauſe theſe Meaſures are now at an End. Sir, I don't remember any one Step which was taken in the whole of our Tranſactions with Spain, that has not been fully canvaſſed in Parliament, and as fully approved. The Parliament can beſt judge what is fit or not fit to be done, and while I have the Honour of bearing any Share in the Adminiſtration, I ſhall ſtill think myſelf ſafe, and my Actions compleatly juſtified, if they are, after mature Deliberation, approved by a Britiſh Parliament. The ſtale Argument of Corruption never ſhall have any Weight with me; it has been the common Refuge of the Diſappointed and Diſaffected ever ſince Government had a Being; and it is an Accuſation, that like all other Charges, tho' unſupported by Proof, if advanced againſt the beſt and moſt diſintereſted Adminiſtration, and puſhed with a becoming Violence, a pretended Zeal for the public Good will never fail to meet with Applauſe among the Populace. I cannot, however, believe that the Honourable Gentleman and his Friends have found any Reaſon to boaſt of the Effects produced by their Seceſſion upon the Minds of the People; for it was a very new Way of defending the Intereſts of their Conſtituents, to deſert them when they apprehended them to be endangered. I ſhould not have touched ſo much upon this Subject, had I not been in a manner called upon to do it by what fell from the Honourable Gentleman who ſpoke laſt. I ſhall now proceed to take ſome Notice of what he further advanced.

'The Declaration of War againſt Spain is neither more nor leſs than the Conſequence, which his Majeſty again and again informed this Houſe would ariſe from the Spaniards perſiſting in their Refuſal to do Juſtice to his injured Subjects; and what the Honourable Gentleman has ſaid upon that Head amounts to nothing more than that after the Spaniards had abſolutely refuſed to do that Juſtice, his Majeſty proceeded to thoſe Meaſures which he had then more than once promiſed to take. I am ſorry that the Honourable Gentleman ſhould ſo far diſtruſt the Royal Aſſurances, as rather to abſent himſelf from his Duty as a

Anno 13 Geo. II. 1739.

Member of this Houſe, than put any Confidence in his Majeſty's Promiſe. But give me Leave to ſay, Sir, that, from the well-known Character of his Majeſty, this Declaration of War is no more than what the Honourable Gentleman and his Friends had not only Reaſon, but a Right to expect, even at the time of their Seceſſion, if the Continuance of the Injuſtice of the Court of Spain ſhould make it neceſſary to have recourſe to Arms. So that upon the whole, I neither ſee how his Majeſty's not iſſuing this Declaration of War, when they were pleaſed to require it, was a good Reaſon for their running from their Duty; nor how its being iſſued at laſt is any Apology for their Return.

'The Honourable Gentleman has dwelt long on a Meaſure which he appears to be very fond of, and that is, attacking the Enemy in America, and veſting the Property of what ſhall be conquered there in his Majeſty's Subjects. Sir, I don't think this a very proper Time to come to any Explanation upon that Head; if it is a Step proper to be taken, the Wiſdom of his Majeſty and the Parliament will certainly not omit it; and in that Caſe I think the leſs it is talked of before it is put in Execution, the better it will be for this Nation, as the more likely to ſucceed.

'As to the Honourable Gentleman's favourite Bill, which he has mentioned, and which was, I think, with great Juſtice thrown out two Seſſions ago, I can ſee no Uſe it could have been of, ſince, tho' it had paſſed then, it could not have taken Place before the Declaration of War. And if that Bill ſhould be thought proper, we can now paſs it, and let it immediately take Effect.

'The Honourable Gentleman made ſome Remarks upon that Part of his Majeſty's Speech, which mentions Heats and Animoſities, and ſeemed to think that they are now extinguiſhed. Sir, I could wiſh they were; but I think it is evident to every common Underſtanding that they are not. But tho' all former Heats and Animoſities were now extinguiſhed, the Caution and Advice given by his Majeſty are very proper upon this Occaſion, becauſe but very lately they roſe to a very great Height, to ſuch a Height, Sir, as in ſome meaſure even to diſown the Authority of the Supreme Legiſlature; for what Conſtruction can I put upon the Actions of Gentlemen who retire from the Service of this Houſe, becauſe, as they pretend, the Proceedings of the Houſe are contrary to Law and the Conſtitution, though it is plain, that both the Law and Conſtitution of this Nation have no other Foundation than the Determinations of Parliament?

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'Sir, I will not ſay all I can upon this Head. The Honourable Gentleman demanded whether the Heats and Animoſities of the Nation made you bear with the Inſolences of Spain for twenty Years? If Spain treated this Nation with Inſolence, if ſhe injured his Majeſty's Subjects, her Inſolence was encouraged, and her Fears removed by our Diviſions. For while ſuch Heats and Animoſities againſt an Adminiſtration ſubſiſt, no Government could be imagined ſo mad as to ruſh into a War, and expoſe themſelves to foreign and domeſtic Enemies at once. If theſe Diviſions appear to be laid aſleep at preſent, 'tis only becauſe the Faction think they cannot with the leaſt Shew of Decency continue their Clamours, ſince they have been gratified in their favourite Meaſures. The Honourable Gentleman blamed the Convention. Sir, I ſtill think as well of the Convention as ever I did; and I believe the Wiſdom and Moderation ſhewn by his Majeſty in accepting of the Convention as a Preliminary to a Peace have produced this happy Effect, that you have at preſent only Spain to contend with. It was this Inclination for coming to Terms, if Terms in any Degree equitable could have been obtained, which his Majeſty had all along ſhewn, that has convinced all Europe that the Inſolence, Injuſtice, and Obſtinacy of the Court of Spain were the only Cauſes of the War.

Upon the whole, Sir, I think the very Objection which the Honourable Gentleman has made is ſome part of a Proof, that Diviſions ſtill ſubſiſt; for it is no great Sign of Unanimity that ſuch Inſinuations and Objections are ſtarted on the firſt Day of the Seſſion; eſpecially as the War has been hitherto ſo ſucceſsfully and ſo vigorouſly carried on, as not to leave the leaſt Ground for reflecting either upon his Majeſty or the Adminiſtration. Therefore, Sir, I am entirely for agreeing to the Motion.'

Sir John Barnard.

SIR,

Sir John Barnard.

'As I attended my Duty in this Houſe all laſt Seſſion, and as I am reſolved ever to do ſo while I have the Honour to be in Parliament, I can with the greater Freedom declare my Sentiments with regard to what has paſſed between the two Honourable Gentlemen who ſpoke laſt.

'As to the Step that was taken by the Honourable Gentleman and his Friends, in abſenting themſelves from the Service of this Houſe, I have nothing more to ſay, than that I am convinced the Gentlemen themſelves acted from good Motives, and thought it for the Service of the Nation. This, Sir, I ſay, from my perſonal Knowledge of theſe

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Gentlemen, and of their Zeal. But whatever were the Motives to their taking that Step, I am perſuaded that they now no longer ſubſiſt; and that as the Declaration of War has rendered us all unanimous, ſo nothing is now neceſſary to preſerve our Unanimity but a hearty and vigorous Proſecution of it on the Part of the Miniſtry.

'The Honourable Gentleman who ſpoke laſt ſaid towards the End of his Speech, That the War had been hitherto ſo ſucceſsfully and vigorouſly carried on, as to leave no Grounds for reflecting either upon his Majeſty or the Miniſtry. Sir, I believe there is not a Man in the Nation who would reflect upon his Majeſty in whatever Manner it is conducted; but I fear, that, as it is, great Numbers are diſſatisfied with the Miniſtry. As I have the Honour to be a Repreſentative in this Houſe for the moſt populous City, and a City of the greateſt Trade in his Majeſty's Dominions, or perhaps in the World, it is my Duty to declare, that I don't think the War has been carried on with that Vigour and Succeſs that might have been expected: I ſhall take the Liberty to point out a few Inſtances wherein it appears to the trading Part of that City, that there has not been the beſt Management.

'To the Trade of this Nation all Adminiſtrations ought to have the principal Regard; and every Step, every Meaſure they take ought to be with a View of protecting or improving it. But how does it appear, that the Security and Encouragement of Trade has been, in the Courſe of this War, attended to? Inſtead of building ſmall twenty Gun Ships, the only Ships that can moſt effectually curb the Spaniſh Privateers, we have equipped ſcarce any other than great, pompous Ships of 70, 80, or 100 Guns, which, though they may be very ſerviceable in an Engagement, I apprehend are almoſt uſeleſs for the Purpoſe I have mentioned. It is, Sir, from their Privateers only that we have any thing to dread; the Spaniſh Fleet is not at preſent, nor can be for ſome time, in any Condition to face ours; therefore the principal View of thoſe who have hitherto had the Direction of this War, ought to have been the Protection of our Merchant Ships from Privateers, by a ſufficient Number of twenty Gun Ships. If the Government had wanted ſuch Ships, they might have bought as many as they wanted ready built; and in my Opinion, the public Money would have been laid out to much greater Advantage than we have ſeen it.

'There is another Point, Sir, in which I think there has been a conſiderable Defect in our Management of the preſent War; and that is with regard to the ſmall Number of

of Ships ſent to the Weſt-Indies. It is there, that we can only hope to diſtreſs the Enemy, and it was alone that the whole, or the greateſt Part of our Force, ought to have been employ'd. An § Admiral was indeed ſent out, and it is generally thought he is gone to the Weſt-Indies, but we have not yet heard that the Fleet he has with him has been able to do any thing; and indeed we have no great Reaſon to expect that he can do much, as he carried out no Land Forces with him, nor any Stores that are commonly uſed in attacking or demoliſhing Forts, which is the Buſineſs that muſt be firſt done in thoſe Parts. Anno 13 Geo. II. 1739.

'Another thing which the Merchants have very much at Heart, is the ſtationing his Majeſty's Ships in proper Places for protecting our own Trade, and annoying that of our Enemy. They obſerve that our Trade has ſuffered very much for want of Ships ſtationed at proper Places; and that, except by the Capture of two Caracca Ships, the Spaniards have ſuffered very little.

'From theſe Conſiderations I am afraid it will appear that upon balancing the Accounts between Us and Spain, ſince this War has commenced, the Diſadvantage is on our Side. There was indeed one Opportunity, which if we had been vigilant and active in the Uſe of it, might have gone far towards repairing our Loſſes; and that was the intercepting the Aſſogue Ships: But that, like many other Meaſures, has it ſeems proved unſucceſsful. Perhaps, Sir, before we boaſt too much of the Vigour and Succeſs with which the War has been carried on, it may be expedient to enquire by what Means theſe Ships eſcaped, eſpecially as it was known that they were on their Voyage, and as the Courſe which they actually held was that in which our Government might moſt reaſonably have expected to have met them.

'As to what the Honourable Gentleman ſaid with regard to our Diviſions, really, Sir, I am of Opinion, that whatever Diviſions are among us, muſt be charged upon the Miniſtry, who, whether they have raiſed them or not, may now eaſily extinguiſh them by ſuch a vigorous Proſecution of this War, as may convince the Nation that they are in earneſt. At leaſt I can venture to anſwer for the great Body of which I have the Honour to be one of the Repreſentatives, that they will think no Expences they ſhall contribute too large, they will think no Teſtimonies of their Duty and Zeal for the Adminiſtration too ſtrong, if this War

§ Admiral Vernon.

Anno 13 Geo. II. 1739.

War is profecuted with as much Vigour as it has been undertaken with Juſtice.

Sir Charles Wager.

Sir Charles Wager.

SIR,

'I did not think that I ſhould have ſpoken upon this Occaſion, but as ſome Things have fallen from the Honourable Gentleman who ſpoke laſt which it is my Duty to anſwer, I ſhall give the Houſe what Satisfaction I can with regard to the Management of the preſent War.

'As to our being greater Sufferers by Captures than the Spaniards have been, that, Sir, I believe is very true, and there is a ſufficient, perhaps an invincible Reaſon for it, which is that we have a great deal more to loſe than they. The Sea is covered with our Ships, and the Extent of our Trade gives the Spaniards the Advantages of very frequent Captures. They have but very little foreign Commerce in Europe, and the little they have is carried on in other Bottoms than thoſe belonging to themſelves; ſo that the Flag of other Nations protects their Property.

'As to their American Commerce, but a few Ships are employ'd in it, and the great Diſtance of the Voyage, with the Wideneſs of the Navigation, renders the intercepting them very uncertain. The Honourable Gentleman mentioned the Courſe of the Aſſogue Ships. If I could conceive it neceſſary, I could eaſily convince every Gentleman here, that it was not owing to any Defect either of Zeal or Prudence in the Adminiſtration, nor to any Negligence of the Admirals who lay on thoſe Coaſts, that they were not taken, but meerly to an Accident of their having met with an Advice-Boat ſent from their Court, which it was fifty Chances to one they would not have met with, and which made them alter their Courſe. It was inſinuated that we had not a ſufficient Number of Ships employ'd to protect our own, and to annoy the Enemy's Trade in the Weſt-Indies. I don't know what Gentlemen mean by a ſufficient Number, but to the beſt of my Remembrance we have at preſent four and thirty Ships great and ſmall employ'd in that Service. I believe that we have ſeldom or never had ſo great a Number in thoſe Seas, and that in the preſent State of our Navy, we cannot ſpare a greater Number without neglecting the Service in other Places.

'The other Objection was founded on a ſuppoſed Error of the Miniſtry in not employing a ſufficient Number of twenty Gun Ships. Sir, I own that twenty Gun Ships are of very great Service in the preſent War. But the twenty Gun Ships in the Service of the Government, were not ſufficient to ſupply all the Services which the particular Circumſtances

cumſtances of this War required. Beſides, that a good Number of them had been found unfit for Service, and muſt therefore be rebuilt. The Honourable Gentleman ſaid that the Government might have bought Ships from private Perſons for that Purpoſe. This very Method is now purſued; ſome have been already purchaſed; and ſeveral Contracts are now depending for purchaſing more; but ſtill there is required ſome Time to fit them out, and to render them ſerviceable as Ships of Force. Anno 13 Geo. II. 1739.

'Upon the whole, Sir, there is no Manner of Doubt that ſome of the Merchants, and trading Part of the Nation, have been Sufferers ſince the Commencement of this War, and poſſibly they may ſuffer ſtill more if it continues: But this, Sir, was often foretold in the Houſe before the War was declared, and is what our Merchants ought to have charged their Account with.'

The Queſtion being put, paſt without Diviſion.

Nov. 16. Mr. Pultney roſe up, and ſpoke as follows:

SIR,

'As War is at laſt declared againſt Spain, it will be very proper to paſs a Bill for encouraging our Seamen. I had the Honour to preſent one for that Purpoſe two Seſſions ago, but it had not the good Fortune to meet with the Concurrence of this Houſe. It was then objected, that by paſſing ſuch a Bill we might interrupt the Courſe of our Negotiations at the Court of Spain: This, I preſume, was the chief Reaſon for which it was rejected. But as the Negotiations with that Court are now at an End, I hope the Propoſal I now riſe up to make, will meet with no Oppoſition. The beſt Method, Sir, for making the War ſucceſsful, is to carry it on with Vigour; if therefore any Laws or Regulations have formerly been thought neceſſary, they ought to be revived. For this Reaſon, I take the Liberty to move, that the 6th and 8th Sections of an Act made in the 6th of Queen Anne, entitled, *An Act for the better ſecuring the Trade of this Kingdom by Cruizers and Convoys*; and alſo the 2d Section of an Act made in the ſame Year, entitled, *An Act for Encouragment of Trade to* America, may be read.—This being accordingly done, he deſired that Leave might be given to bring in a Bill 'For the more effectual ſecuring and encouraging the Trade of the Britiſh Subjects to America, and for the Encouragement of Seamen to enter into his Majeſty's Service.' Mr. Pultney.

Upon this, the Honourable Henry Pelham, Eſq; ſtood up, and ſpoke to the following Effect, viz.

SIR,

'The Encouragement of our Seamen is ſo neceſſary for preſerving Henry Pelham, Eſq;

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preſerving the Rights, and vindicating the Honour of this Nation, that I can with the greateſt Sincerity declare, that no Man has a greater Regard for that uſeful Part of his Majeſty's Subjects than I have. I ſhall always be for giving them all the Encouragement that is in our Power to beſtow, and therefore ſhall always be ready to agree to any reaſonable Propoſition that can be made for that Purpoſe. What the Honourable Gentleman intends by the Bill he propoſes to bring in, I cannot pretend to be thoroughly acquainted with; but if it is to be ſuch a one as was brought in by him and ſome other Gentlemen about two Years ago, I muſt think his Motion a little too precipitate.

'By our Conſtitution the Crown has the ſole and abſolute Property in every Ship and Cargoe taken from an Enemy by any of his Majeſty's Ships of War; and therefore, when any Share of a Prize is given or promiſed to the Captors, it ought to be conſidered as a gracious Condeſcenſion in the Crown, for their Encouragement. This, Sir, is the true State of the Caſe, with regard to all Prizes taken by any of his Majeſty's Ships of War; and as all Acts of Grace and Favour ought to come originally from the Throne, I think, if any Law be neceſſary for regulating the Diſtribution of thoſe Prizes that may, in the preſent War, be taken from the Enemy, or for giving the whole or any Share of them to the Captors, we ought to wait till we have a Meſſage from the Crown for that Purpoſe. If ſuch a Bill be brought into this Houſe, before we have a Meſſage from the Crown, it will, in my Opinion, ſhew a Sort of Diſreſpect to his Majeſty, which, I am convinced, is very far from being the Intention of the Honourable Gentleman who has made this Motion. It will be in ſome Meaſure fore-ſtalling the Favours of the Crown, and transferring from his Majeſty to ſome of the Members of this Houſe, that Popularity which is to be gained by a Meaſure that has the Appearance of ſo much Generoſity and Bounty.

If it be proper to give the whole of every Prize taken by any of his Majeſty's Ships of War to the Officers and Seamen employ'd in taking her, his Majeſty may do it without the Authority of an Act of Parliament, and if any farther Powers are wanted for encouraging our Seamen, I am convinced, his Majeſty will apply to us for that Purpoſe in a very ſhort Time. If we had ſat for any Number of Days, and no ſuch Meſſage had been ſent to us, any Gentleman might have taken the Liberty to propoſe what he thought was neceſſary for encouraging our Seamen, or any other Part of his Majeſty's Subjects, to attack and plunder the Enemy. If we ſhould think the Propoſition reaſonable, and neceſſary for

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the public Service, it would be incumbent upon us to comply with it; and the performing of our Duty, as Members of this Houſe, can never be inconſiſtent with the Reſpect that is due to our Sovereign; but, however reaſonable the Propoſition now made to us may be, however neceſſary for the public Service, I am ſure, it is neither neceſſary, nor incumbent upon us, as Repreſentatives of the People, to enter into the Conſideration of it the very ſecond Day of the Seſſion; and as it is a Propoſition that, in its own Nature, ought firſt to be brought before us by means of a Meſſage from the Crown, I think we ought to wait, at leaſt for a few Days, in order to give his Majeſty Time to conſider and communicate to us, what he thinks may be neceſſary for encouraging not only our Seamen, but every individual Perſon in his Majeſty's Dominions, to concur and aſſiſt in vigorouſly proſecuting the War now declared againſt Spain.

'This, I think, Sir, is the leaſt we can do upon this Occaſion; and therefore, I muſt beg Leave to ſay, that I think it would be, in ſome meaſure, taking Advantage of the Crown, to order ſuch a Bill to be brought in, even before we have paid our Duty to his Majeſty in an Addreſs, by way of Anſwer to his moſt gracious Speech from the Throne. Therefore, I hope, the Honourable Gentleman will agree to have his Motion poſtponed for a few Days; becauſe the Conſideration of it may in that Time be recommended to us by his Majeſty; or if it ſhould not, we may reſume the Conſideration of it, without any Breach of that Duty which we owe to our Sovereign. I know that, during the late War againſt France, a Bill was brought in and paſſed into a Law, for giving all Prizes taken from the Enemy to the Captors. As I have not lately looked upon that Part of our Journals, I cannot poſitively ſay, what it was that gave Riſe to that Bill; but I am apt to believe, that it proceeded from ſome Meſſage, or Intimation from the Crown; and as it cannot be more neceſſary in the preſent War, than it was in that, I can ſee no Reaſon for our being in ſuch a Hurry. The public Service cannot ſuffer much by a few Days Delay, and by ſuch a Delay, we ſhall avoid doing that, which may be looked on by many, as an evident Sign of Diſreſpect to our Sovereign.

'At preſent, Sir, I ſhall not enter into the Merits of the Queſtion; but as I have the Honour to ſerve the Crown, and conſequently muſt know ſeveral Facts, which ſome Gentlemen in this Houſe may not be acquainted with, as I am at Liberty, I think myſelf obliged, upon this Occaſion, to inform the Houſe, that with regard to thoſe Prizes which Providence has already put into our Hands, different Ap-

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plications have already been made to his Majeſty: One from the Captors, and another from the ſuffering Merchants. I hope it will be allowed, that both ought to be regarded. The former think they have, from Cuſtom, a Title to a very large Share of the Prizes, which have, by them, been taken from the Enemy: The latter have ſuffered greatly by the Enemy, and as Reparation is one of the Ends propoſed by our going to War, they think they have a Title to have ſome Part of their Loſſes made good, by appropriating to that Uſe ſome Share of thoſe Prizes that ſhall be taken by his Majeſty's Ships of War. Both theſe Petitions are founded on Juſtice, and for this Reaſon his Majeſty has already anſwered, that when a Value is put upon the Prizes, and the Ships and Cargoes diſpoſed of to the beſt Advantage, both ſhall be conſidered. With regard therefore to the Prizes already taken, we neither can, conſiſtently with his Majeſty's Promiſe, nor ought we to give the whole to the Captors; and with regard to thoſe that may hereafter be taken, I am in great Doubt, whether we ought to do ſo by an eſtabliſhed Law: His Majeſty will certainly do ſo, when he thinks they deſerve it, and as often as the Treaties now ſubſiſting between us and our Allies, and the Juſtice that is due to our injured Merchants, will admit of it; therefore, I believe, the beſt and the wiſeſt Thing we can do, is to leave the Law as it ſtands at preſent. I am ſure, his Majeſty will never deſire to make an Advantage to himſelf by any Prize that ſhall be taken. The Captors will always be ſufficiently rewarded, and the Reſidue, ſo far as is conſiſtent with the Regard we ought to have for our Allies, will be applied either to the public Service, or to make good the Loſſes of our Merchants. Thus, whilſt a diſcretionary Power remains in the Crown, our Seamen will have a proper Encouragement, without doing Injuſtice to any other Part of his Majeſty's Subjects, and without giving a juſt Offence to any of our Allies. Whereas, if by an eſtabliſhed and unalterable Law we give the whole to the Captors, they may often have more than ought, either in Juſtice or Prudence, to be given them: Injuſtice will, in my Opinion, be done to our ſuffering Merchants, and we may give ſome of thoſe who are now our Allies, or at leaſt our pretended Friends, a good Pretence for joining with Spain againſt us.

'But as theſe Objections, Sir, will be beſt underſtood, when the Bill comes regularly before us, I ſhall inſiſt no farther upon them at preſent. The Ends propoſed by the Motion I highly approve of, and if the Bill be calculated effectually to anſwer thoſe Ends, I ſhall be ready to agree, not only to its being brought in, but to its being paſſed into a Law, as ſoon

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as is conſiſtent with the Reſpect we owe to the Crown, and with the Methods and Forms of Proceeding in this Houſe; but, as ſuch Bills ought to owe their Riſe to ſome ſort of Application from the Crown, and as it is a Bill of great Conſequence, I do not think it would be altogether conſiſtent with either, to order ſuch a Bill in the very ſecond Day of the Seſſion. This, Sir, is my Opinion, and I am convinced, there are many Gentleman in this Houſe of the ſame Opinion; therefore, I hope the Honourable Gentleman will not, by inſiſting upon the Queſtion, lay us under a Neceſſity of giving a Negative to a Motion which we ſhould otherwiſe moſt heartily agree to, and which, if it be poſtponed but for a few Days, will, I believe, meet with an univerſal Approbation.' Anno 13 Geo. II. 1739.

To this Samuel Sandys, Eſq; replied as follows:

SIR,

'When I heard the Motion made by my Hon. Friend, I little expected it would have been oppoſed. To ſecure and encourage effectually the Trade of his Majeſty's Subjects in America, and to encourage Seamen to enter into his Majeſty's Service, are Points of ſuch great Conſequence to this Nation, and ſo neceſſary upon the preſent Occaſion, that I imagined every Gentleman would have been curious to ſee what Expedients had been thought of for theſe Purpoſes. Surely, it muſt be allowed, that our Trade to America is of the utmoſt Conſequence to this Kingdom; and I am ſure, it has neither been ſecure, nor encouraged for almoſt theſe 20 Years paſt: It muſt certainly be allowed, that it is at all Times, but eſpecially in Time of War, of great Conſequence to the Nation to have our Seamen ready and willing to enter into his Majeſty's Service; and I am ſure, that for ſeveral Years paſt, they have been ſo far from being ready and willing, that many of them have moſt induſtriouſly, and often even perilouſly, avoided being forced into his Majeſty's Service. Gentlemen may make Declarations of the Regard they have for our Seamen, and of their Readineſs to concur in any proper Meaſures for their Encouragement. I am perſuaded the Honourable Gentleman who ſpoke laſt was ſincere in the Declarations he made. But it is not from our Declarations, but from our Actions, that thoſe without Doors judge of our Intentions; and unleſs they feel the good Effects of our Declarations, they will be apt to judge amiſs of our Sincerity. I have, in this Houſe, heard many ſanguine Declarations in favour of our Seamen; and yet, I do not know by what Miſchance, that uſeful Body of Men have of late Years been very little regarded, whilſt our mercenary Troops, an uſeleſs and dan- Mr. Sandys.

Anno 13. Geo. II. 1739.

gerous Body of Men, have met with all poſſible Favour and Encouragement. The former have been of late Years ſo often preſſed into his Majeſty's Service, and diſmiſſed again without making the Advantages they might expect, that I do not at all wonder to ſee them now abſconding, and even venturing their Lives to avoid being forced into the Service. As the Pay in his Majeſty's Navy is not near equal to that given by Merchants, nothing can tempt them to enter on board the Navy, but Hopes of extraordinary Advantage by the Prizes they may take: But theſe Hopes they have been of late ſo often diſappointed of, that they began to deſpair of ever meeting again with any ſuch Opportunity; and the Diſappointment the Bill now propoſed met with two Years ago added not a little to that Deſpair. Even when his Majeſty's Orders for Repriſal were iſſued and publiſhed, they doubted if they ſhould be allowed to execute them as they ought, or have any Share of the Prizes they might take. It is chiefly owing to theſe Doubts, Sir, that we ſtill find ſuch a Difficulty to man our Fleet; and therefore, I wiſh the Bill propoſed two Years ago had paſſed into a Law. It could have been attended with no Inconvenience, and would have been of great Advantage at the Commencement of a War. We have already ſeverely felt the Diſadvantage of not paſſing it at the Time it was propoſed, and therefore, in Duty to our Country as well as our King, we ought to take the firſt Opportunity for rectifying that Miſtake. The beſt Method for ſhewing our Reſpect to his Majeſty, is to do every thing we can for his Service, and to do it as ſoon as we find it is become neceſſary. To delay doing what we think neceſſary for his Majeſty's Service, till it be applied for, or till he be adviſed by his Miniſters to apply for it, may be a Teſtimony of our Reſpect for them, but it is a Breach of that Duty we owe to him. In all Caſes we ought to diſtinguiſh careſully between the Reſpect due to the Crown, and the Regard that may be claimed by the Miniſters of the Crown. To the Crown we owe a great and a ſincere Regard, but to Miniſters none, but what they juſtly acquire by their Conduct. Nay, a Regard for the latter may often be inconſiſtent with that Regard which is due to the former. Of late Years Parliaments have ſhewn a much greater Reſpect to the Miniſters of the Crown, than was uſual in former Ages; and I am under ſome Apprehenſions, that by continuing to ſhew the ſame Reſpect for a few Years longer, we ſhall at laſt loſe all that Reſpect which the People of this Kingdom ought to have for their Parliaments. If this ſhould ever happen to be our Caſe, which God forbid! our happy Conſtitution would be at an End: Our People could

not

not then be governed by Parliaments, or by any ſort of Civil Government: They muſt be ruled by a Standing-Army, and a Military Sort of Government. Anno 13. Geo. II. 1739.

'I admit, Sir, that ſome Acts of Grace and Favour, ſuch as Indemnities and the like, are uſually brought into Parliament by a Meſſage from the Crown; but that nothing of a popular Nature ought to be brought into Parliament, without ſuch a Meſſage, is a Doctrine new and ſurprizing. At this Rate no Law for the public Service, or for removing a public Grievance, could be propoſed in Parliament, without a previous Meſſage from the Crown; for every ſuch Law muſt, in its own Nature, be attended with Popularity; and to introduce it without ſuch a Meſſage, might in every Caſe be called foreſtalling the Favours of the Crown, with as much Juſtice as in the Caſe now before us. Such a Doctrine would indeed make Parliaments very reſpectful to his Majeſty's Miniſters, but it would make them very uſeleſs to his Majeſty's Subjects, and of as little Uſe to his Majeſty himſelf; therefore, I hope, it will never gain a Prevalence in this Houſe. As ſoon as we are aſſembled here, we are in Duty bound to conſider what Laws are neceſſary for the public Service; and we are in Duty bound to bring them in, and to paſs them as ſoon as we can. If they are ſuch as are popular, our Sovereign will always have a great Share in that Popularity, by readily giving them the Royal Aſſent: Even his Miniſters may have a Share in the Popularity, by readily giving their Concurrence in paſſing them through the two Houſes of Parliament. But if the King ſhould, by the Advice of wicked Miniſters, refuſe his Aſſent, or if the Miniſters ſhould oppoſe them in Parliament, and thereby expoſe themſelves to the Hatred of the People, they meet with nothing but what they deſerve, and whatever may be the Conſequences, they have themſelves only to blame. For this Reaſon, Sir, if there is any Popularity to be gained by this Bill, I hope thoſe in the Adminiſtration will take Care to have a Share of it, by giving us their Aſſiſtance to get it paſſed into a Law; and I think I have clearly ſhewn, we can teſtify our Reſpect to his Majeſty no way better, than by bringing it in and paſſing it with all imaginable Diſpatch.

'I grant, Sir, that his Majeſty may without the Authority of an Act of Parliament give the whole of every Prize to the Captors; and I verily believe his Majeſty is of himſelf extremely willing to do ſo. Where then is the Harm, or where is the Diſreſpect, in doing that by a Law, which his Majeſty is willing to do of his own accord? It may, 'tis true, be promiſed by Proclamation: I think it ought to have

Anno 13 Geo. II. 1739.

have been promiſed by Proclamation as ſoon as the Repriſals were publiſhed; but to do ſo by an Act of Parliament is a more ſolemn Way of doing it, and will add to the Confidence, and conſequently the Encouragement of our Seamen. Beſides this, Sir, it will prevent that Grievance ſo intolerable to all the Officers and Seamen in the Navy, which gave Occaſion to a Bill of the ſame Nature in the late Queen's Time. We all know, that before the Act of the 6th of Queen Anne, for the Encouragement of the Trade to America, we had a Prize-Office eſtabliſhed, which had the Diſpoſal and Diſtribution of all Prizes taken by her Majeſty's Ships of War; and we likewiſe know, that a great deal of the Money produced by the Sale of any Prize ſtuck to the Fingers of the Officers and Clerks employ'd in that Office. Now, as it is both better and eaſier to prevent than remedy a Grievance, and as ſome ſuch Office as this muſt be now revived, unleſs ſuch a Law be paſſed as is by this Motion intended, I hope the Bill now propoſed will meet with no further Oppoſition.

'It does not appear from our Journals, Sir, that either the Law by which this Prize-Office was aboliſhed, or any of the Regulations now propoſed to be revived, were owing to any previous Meſſage or Intimation from the Crown. Nay, I doubt much, if the Law for demoliſhing the Prize-Office was ſo much as adviſed, or ſincerely approved of, by thoſe who were at that time the chief Miniſters of the Crown. The Miniſters in that Age were, I believe, ſomething like thoſe we have in this; and I have always found Miniſters extremely unwilling to demoliſh any Office where the Nomination of the Officers belonged to them. On the contrary, they have always been inventing new Offices of this Sort; and if at any time they found themſelves under the Neceſſity of conſenting to the Demolition of ſuch an Office, they have generally taken the firſt Opportunity they could ſafely lay hold on, for reviving it. Therefore, when a Law becomes neceſſary for demoliſhing any ſuch Office, or for preventing the Eſtabliſhment or Revival of ſuch a one, I muſt think that, if we are to wait for a Meſſage from the Crown for that Purpoſe, no ſuch Law will ever be paſſed.

'Having thus, I hope, fully anſwered the only Argument advanced for poſtponing this Motion, I ſhall next ſay ſomething to thoſe Objections that have been made againſt giving the whole of the Prizes to the Captors; and here I find the Sufferings of our Merchants are to be made a Handle againſt giving the ſame Encouragement to our Seamen, that was given in the laſt War. Sir, I am glad to find, that we now begin to ſhew ſome Regard to our ſuffering

fering Merchants. No Man can more ſenſibly feel the Loſſes and Misfortunes they have met with than I do, and for this very Reaſon, I am for giving the whole of every Prize to the Captors, becauſe, I think, it is one of the beſt Methods for procuring them full Reparation and perpetual Security. It is not from the Prizes that may be taken during the War, that our Merchants can expect full Reparation. If we reſolve to give them a large Share of every Prize, I am afraid very few will be taken; and if we give them but a ſmall Share, the whole Amount will not near anſwer the great Damages which they have ſuffered, during the long Courſe of Time they have been left expoſed to the Depredations and Inſults of Spaniſh Guarda Coſta's. It is from a vigorous Proſecution and happy Iſſue of the War, and thence alone, that they can expect a full Reparation; and therefore I am convinced, that moſt of our ſuffering Merchants will, for the neceſſary Encouragement of our Seamen, frankly reſign the inſignificant and partial Reparation they can expect, by having a Share in ſuch Prizes as may be taken, in order to have not only a full Reparation for their paſt Sufferings, but an abſolute Security for the future, by a happy and glorious Iſſue of the War we are now engaged in. Anno 13. Geo. II. 1739.

'I am convinced, Sir, that the Honourable Gentleman pleaded for our Merchants having a Share in the Prizes entirely from the Compaſſion he has for their Sufferings; but I muſt beg Leave to ſay, that I think it a ſort of Compaſſion, which can do no Service either to them or their Country; becauſe it creates a kind of Oppoſition between them and our Seamen, which is an Oppoſition that, I believe, very few of them will deſire to propagate. It is ſomething extraordinary, that we ſhould now teſtify ſuch a Compaſſion for our ſuffering Merchants, when ſome few of them may perhaps by a Petition have ſet themſelves in Oppoſition to our Seamen; and that we were ſo ſlow in relieving them, when the only Oppoſition was, between them and thoſe who plundered them, or who tamely allowed them to be plundered. For many Years we gave no Proof of Compaſſion for their Sufferings, but by fruitleſs Applications to the Court of Spain; and now we are engaged in War, we ſeem to be getting into as wrong a Method for ſhewing our Compaſſion, as we were in before; for 'tis certain, that the moſt proper and effectual Way is, to take every Method we can think of, that may any way conduce towards bringing the War to a happy and ſpeedy Iſſue.

'But I muſt put Gentlemen in mind, that at the ſame time we are teſtifying our Compaſſion for thoſe that have ſuffered,

Anno 13. Geo. II. 1739.

ſuffered, we ſhould think of having a Compaſſion for thoſe that may ſuffer; for if we do not, our future Sufferings may far exceed thoſe that are paſt. For this Purpoſe, Sir, the Bill now propoſed to be brought in is abſolutely neceſſary. In the preſent War, if proper Care be not taken, our Merchants may ſuffer vaſtly more by the Enemy's Privateers, than they have ever done by their Guarda Coſta's. To prevent this, we ought by all poſſible Means to encourage our Ships of War, both public and private, to attack, and take or deſtroy thoſe of the Enemy. Every one knows, that there is very little to be got by taking a Privateer; and therefore we can hardly ſuppoſe that our Privateers will attack, or endeavour to take or deſtroy any one of the Enemy's, unleſs we give them a Reward for ſo doing. I know, that his Majeſty's Ships of War are obliged to attack an Enemy, when any one of them fall in their Way; but I am afraid, that even ſome of his Majeſty's Ships of War will not be very diligent in looking out for ſuch, or in cruiſing where ſuch only can be met with, unleſs we give them ſomething more than they can expect by the Capture. This we ſoon became ſenſible of in the late War, and therefore, by the Act of the 6th of Queen Anne, for the better ſecuring the Trade of this Kingdom, by Cruiſers and Convoys, a Reward of 5 *l.* for every Man on board any Ship of War or Privateer of the Enemy's at the Beginning of the Engagement, that ſhould be taken by any of our Ships of War, public or private, was given to the Captors, over and above what they could make by the Sale of the Prize. This Encouragement, Sir, was found abſolutely neceſſary in the late War, and by Experience proved to have a very good Effect. And as this is one of the Encouragements intended by the Bill now moved for, I am ſurprized to find a Delay propoſed by a Gentleman, who I am ſure has a true and ſincere Regard for the Merchants and Trade of this Kingdom. To delay it but for a few Days, upon a pretended Punctilio of Reſpect to the Crown, may occaſion the Ruin of ſeveral honeſt Merchants, and a Ruin too, which might otherwiſe have been prevented. Sir, it has already been delay'd ſix Months longer than it ought to have been. The War was certainly known at leaſt by our Miniſters, before the End of laſt Seſſion, to be unavoidable; and therefore I muſt ſay, that if they had done their Duty, they themſelves ſhould laſt Seſſion have brought in that very Bill which they had ſo great a Hand in throwing out but the preceding Seſſion. They had time enough after the 24th of May to have brought it in, and to have had it paſſed into a Law before the Concluſion of the Seſſion. I am

ſure,

ture, thoſe who brought it in before would have been ſo far from envying them the Glory or Popularity of bringing it in a ſecond Time, that they would have joined in getting it paſſed through both Houſes with the utmoſt Diſpatch; and the paſſing of ſuch a Bill could not have tended to alarm Spain ſo much, as the Vote of Credit did, which was paſſed towards the latter End of laſt Seſſion. If ſuch a Bill had paſſed laſt Seſſion, I am convinced, our Merchants would not have ſuffered ſo much as they have already done by the War. I am convinced, the Enemy's Privateers would not have traverſed the Seas of Europe with ſo much Security and Impunity as they have done, ſince the Commencement of the War. Anno 13 Geo. II. 1739.

'This Encouragement, Sir, ſo neceſſary for tempting our Ships of War to look out for and deſtroy the Enemy's Privateers, is what his Majeſty cannot give without the Authority of Parliament; at leaſt, he cannot appropriate to that Purpoſe any of the Money given for the public Service. He may, 'tis true, give it out of the Civil Liſt Revenue, and in that Caſe promiſe it by Proclamation. To have adviſed him to do ſo, would, I believe, have been one of the beſt and moſt faithful Advices that could have been given by his Miniſters; and I wonder that thoſe who now ſeem ſo jealous of depriving the Sovereign of that Popularity, that may be acquired by Acts of Grace and Favour, did not adviſe him to do ſo, eſpecially as they had neglected to provide for it, when it ought to have been done out of the public Revenue of the Kingdom. It might, by this Time, have amounted to a large Sum, conſidering the Number of Privateers the Enemy have fitted out againſt us, eſpecially if our Ships of War had been diſperſed, and properly ſtationed for intercepting them; but the more it had amounted to, the more Eſteem and Affection would have been acquired, not only by his Majeſty, but by thoſe Counſellors who had adviſed him to ſuch a popular Meaſure; and the higheſt Sum it could have amounted to might, I believe, have been compenſated by aboliſhing or curtailing ſome of thoſe uſeleſs Penſions and Salaries, which are now paid out of the Civil Liſt Revenue, and which may add to the Number of his Majeſty's Servants and the Miniſter's Flatterers, but never can add to the Number of his Majeſty's faithful Subjects, nor to that of the Miniſter's ſincere Friends.

'This, I ſay, Sir, his Majeſty might have done without the Authority of Parliament; but as it has not been done, I little expect it will; and therefore this Encouragement ought as ſoon as poſſible to be given, and provided for out of the public Revenue of the Kingdom, which can no way be,

Anno 13. Geo. II. 1739.

be, but by ſuch a Bill as is now propoſed. Beſides this, Sir, there are ſeveral other Things intended by this Bill that can be done no way but by Act of Parliament; and therefore no Delay ought to be made, upon any Pretence whatever, in bringing in and paſſing it. The very bringing in ſuch a Bill will give new Spirits to thoſe Seamen that have entered, or have been preſſed into his Majeſty's Service, and will prevail with many, who are now abſconding, to appear and enter themſelves on board ſome of our Ships of War. We hear daily Complaints of the Difficulties of manning our Fleet; and ſhall thoſe very Gentlemen who make them, out of a pretended Punctilio of Reſpect to the Crown, put off, but for a few Days, the moſt proper Thing we can do for removing thoſe Complaints? But ſuppoſe we ſhould humour thoſe Gentlemen, in their imaginary Reſpect for the Crown, by poſtponing this Motion for a few Days, how are we ſure that any Meſſage will come from the Crown in that Time? And will not the Argument for putting off the Motion be much ſtronger then, than it is now; for if we ſhould now poſtpone the Motion, upon the Pretence that it would be diſreſpectful, I think it would ſhew not only a Diſreſpect, but a Contempt, if we ſhould at any time hereafter order a Bill in for theſe Purpoſes without ſuch a Meſſage; therefore, I hope, my Honourable Friend will inſiſt upon his Motion; I am ſure, he ſhall have my hearty Concurrence.'

Sir Charles Wager ſpoke next to this Purpoſe:

SIR,

Sir Charles Wager.

'When any preſent Grievance is felt, or any future Grievance apprehended, and when the one cannot be removed, nor the other prevented, without a new Law for that Purpoſe, it is our Duty to think of, and paſs ſuch a Law; but as a Multitude of unneceſſary Laws is as great a Grievance to Society as any it can labour under, we ought to be extremely cautious of introducing any new Law; for if the Evil can be remedied by the Laws in being, this may, perhaps, be our Caſe at preſent: Our Seamen ought to be encouraged: Our Ships of War ought to be encouraged to do their Duty: But I ſhall be againſt bringing in a Bill, till I am well convinced, that the Laws now in being are in this Reſpect deficient; for the Evils propoſed by this Bill to be remedied, cannot be ſaid to be preſent Evils; none of them have yet been felt; and whether they may not be prevented by a due Exerciſe of that Power, with which the Crown is now inveſted, is a Queſtion that, in my Opinion, admits of ſome Difficulty. In the late Queen's Time, it was not ſo. The War we were then engaged in had been carried on for ſeveral Years, and the Prize-Office had been found

found by Experience to be an intolerable Grievance upon the Officers and Seamen of her Majeſty's Navy. I had, at that time, the Honour of being Commander of one of her Majeſty's Ships of War; and with regard to one of the Prizes I had the good Fortune to take, I remember, I was ſo far from getting any thing by it, that I was brought in Debt to the Prize-Office. This was a convincing Proof that ſome new Regulation was neceſſary, with regard to the Prizes taken by her Majeſty's Ships of War; and it had likewiſe been found by Experience, that our Ships of War had been a little negligent of their Duty in looking out for, and attacking thoſe of the Enemy; which at that time made the Parliament, as well as the Government, think it neceſſary to give the Reward of 5 *l.* a Man, mentioned by the Honourable Gentleman that ſpoke laſt. Theſe were Evils that were then preſent and ſeverely felt, and therefore it became neceſſary to make the new Regulations which are now propoſed to be revived; but the Parliament did not then think, that thoſe Evils would recur, or that thoſe Regulations would be neceſſary in every future War; if they had, they would have made thoſe Laws perpetual: Whereas they were made temporary, and to continue no longer than during the War we were then engaged in. Nay, I believe, if they had then but thought it probable, that thoſe Evils would always recur, they would have made thoſe Regulations perpetual. Therefore, if we now form our Judgment upon the Opinion that then prevailed, we muſt ſuppoſe, that neither of theſe Evils will probably be felt in the preſent War; and ſurely, we are not to increaſe the Number of our Laws, which is already almoſt intolerable, by making new Laws for preventing Evils, that will probably never happen. For my Part, Sir, I believe the Evils cannot happen during the preſent; becauſe, I think, his Majeſty has it very much in his Power, by the Laws now in being, to prevent them. He has already reſolved, that after reſerving ſome Share for our ſuffering Merchants, he will give the whole Reſidue of the Prizes to the Captors. This, I hope, will be a ſufficient Encouragement for our Seamen to enter into his Majeſty's Service; conſidering the rich Prizes that may fall into our Hands, it will encourage the Officers of his Majeſty's Ships of War to be vigilant in looking out for the Enemy's Merchantile Ships; and as the Preferments in the Navy are all at his Majeſty's Diſpoſal, I hope they will be beſtowed in ſuch a Manner, as muſt make it neceſſary for every Officer in our Navy to be diligent in their ſeveral Stations, in looking out for, and taking or deſtroying every Ship of War belonging to the

Anno 13. Geo. II. 1730.

Anno 13. Geo. II. 1739.

Enemy, that they can meet with and overcome. Thus, I hope, Sir, all the Ends that can be anſwered by the Bill now propoſed, may be attained by thoſe Powers, with which his Majeſty is inveſted by the Laws now in being; and if this can be done, I am ſure it is unneceſſary, and conſequently would be wrong, to make any new Law for that Purpoſe.

'If there are, his Majeſty muſt be allowed to be the beſt Judge, whether any new Powers be wanted, either for proventing the Evils apprehended, or for contributing any Way to the vigorous Proſecution, and happy Succeſs of the War. I am ſure, they will be applied for by his Majeſty, as ſoon as he thinks it proper and neceſſary to do ſo; and till then, we ought to ſuppoſe, either that none ſuch are wanted, or that it is not yet proper to think of them; ſo that even from the very Nature of the Caſe, we ought to wait for a Meſſage, or ſome other ſort of Intimation from the Crown, before we begin to think of Methods for encouraging our Seamen, or any other Part of his Majeſty's Subjects, to do their Duty, in the Proſecution of the preſent War. If we bring in a Bill for this Purpoſe, before we have any ſuch Meſſage, or any Information, it may happen to be very imperfect and defective; and thus we may be obliged to bring in two Bills, for what might have been eaſily done by one, which is a Conſequence we ought as much as poſſible to avoid.

'Whatever other Gentlemen may think, Sir, of the Reſpect that is due to the Crown, I ſhall always be againſt our doing what may in the leaſt look like a Diſreſpect, when it is any way poſſible to avoid it; and as his Majeſty has, by the Laws now in being, a ſort of Property in every Prize taken by his Ships of War, I cannot but think, that it will look very much like a Piece of Diſreſpect in us, to order in a Bill for diſpoſing of that Property, without having his previous Conſent ſignify'd to us. This, I think, may be avoided, by poſtponing the Motion but for a very few Days, which I ſhall grant will be a Delay with reſpect to the bringing in of the Bill, but I do not think it will be any Delay with reſpect to its being paſſed into a Law; becauſe, when a Bill is haſtily brought in, it generally requires mature Deliberation, and many Amendments in its Progreſs through the two Houſes, which always takes up a great deal of Time: Whereas, when it is maturely conſidered, and fully concerted, before being brought in, the firſt Draught of the Bill is generally ſo perfect, that it requires but few Amendments; and the Rapidity of its Progreſs always bears a Proportion to the Maturity of

of its firſt Concoction. For this Reaſon, as the paſſing of any Law, neceſſary for the Purpoſes intended by this Bill, will not be retarded by poſtponing the Motion, I hope the Honourable Gentleman will agree to it.' Anno 13. Geo. II. 1739.

The Right Honourable the Lord Baltimore.

SIR,

'Since thoſe Gentlemen, who have ſpoke againſt the Motion, ſeem ſo very fond of having a Meſſage from the Crown, I muſt obſerve, that his Majeſty's Speech is, in my Opinion, a Meſſage ſufficient for warranting our agreeing to this Motion, or to any other Meaſure, we think may contribute towards a vigorous Proſecution of the preſent War. His Majeſty, in the very Beginning of his Speech, has told us, that he called us together, at this Time, ſooner than has been uſual of late Years, that he might have the immediate Advice and Aſſiſtance of his Parliament, at this critical and important Conjuncture; and that he makes no Doubt, but he ſhould meet with a ready and vigorous Support in this juſt and neceſſary War. Does not his Majeſty, by theſe Words, expreſly ſignify his Pleaſure, that we ſhould immediately enter upon the Conſideration of what may be neceſſary for his Support in the preſent War, in order to give him our Advice thereupon? And does not he ſhew, that he expects, we ſhould readily agree to whatever we think neceſſary for that Support? The preſent Queſtion therefore is not, Whether we ſhall wait for a Meſſage relating to the Bill now propoſed; for if it be neceſſary, or may contribute to a vigorous and ſucceſsful Proſecution of the War, we have already, in his Majeſty's Speech, received a Meſſage; ſo that the only Queſtion now before us is, Whether the Regulations intended are neceſſary, or may contribute to encourage our Seamen to do their Duty in annoying the Enemy, and protecting the Trade of our Fellow-Subjects in Europe and America, as much as ſhall lie in their Power; and this, ſurely, no Gentleman can pretend to be a Judge of, till he ſees the Bill which the Honourable Gentleman propoſes to bring in. I think therefore, that whoever oppoſes this Motion muſt be of Opinion, that we have no Occaſion for giving any new Encouragement to our Seamen to enter themſelves voluntarily on board our Ships of War, or to do their Duty when they are entered; and this is an Opinion, which no Gentleman can be of, that conſiders the extreme Backwardneſs our Seamen ſhew, in entering themſelves on board his Majeſty's Navy; or that conſiders the Inconveniencies we found ourſelves expoſed to, in the Beginning of Queen Anne's War. The former of theſe Evils is what we now Lord Baltimore.

Anno 13 Geo. II. 1739.

now feel, and the latter we muſt certainly feel, from the very Nature of Things, unleſs we make the ſame Proviſion againſt it, that was made in the laſt War. If no ſuch Proviſion be made, a Prize Office muſt be ſet up; for tho' his Majeſty ſhould give the whole to the Captors, he cannot impower them to appoint their own Agents for the Sale and Diſtribution of the Prize, without an Act of Parliament; and if a Prize-Office be ſet up, can any one expect that the Officers and Clerks of that Office will be more honeſt, or leſs rapacious in this Age, than they were in the laſt? I am far from thinking we have improved in public Virtue ſince that time: On the contrary, I believe, that a ſelfiſh and rapacious Spirit is now more general than it was in thoſe Days; therefore, I am convinced, that a Prize-Office will be a greater Oppreſſion upon our Seamen in this War, than it was found to be in that; and for this Reaſon, I think, we cannot provide too ſoon againſt it.

'Then, with regard to the Encouragement to be given to our Ships of War, to attack thoſe of the Enemy, I ſhall grant, Sir, that if all the Commanders of our Navy were endued with a true heroic Spirit, they would be as ready to attack the Enemy where little elſe but hard Blows is to be got, as where the richeſt and moſt defenceleſs Prize may be acquired; but this Spirit of Heroiſm is now, I believe, no more prevalent than it was in the laſt Age; and will, I am convinced, be found equally ineffectual for the End propoſed. If Rewards and Puniſhments were duly and juſtly diſtributed; if Merit only were preferred, and Cowardice or Negligence ſeverely puniſhed; I muſt confeſs it would, in this reſpect, have a very good Effect upon the Officers of his Majeſty's Navy; but without derogating from our preſent excellent Miniſters, I believe, I may ſay, that no greater Miracles can be expected from them, than were pretended to by thoſe great Men that were our Miniſters in the Beginning of the late Queen's Reign; and they, we find, were willing to take the Aid of an Act of Parliament, and a pecuniary Recompence, for encouraging the Officers even of his Majeſty's Navy to do their Duty. I hope our preſent Miniſters will follow their Example; for whatever Effect a juſt Diſtribution of Preferments may have upon the Officers of our public Ships of War, it can have but very little Effect upon theſe Ships of War that may be fitted out by private Men; and in order to deſtroy that Swarm of Privateers, that have been, and may be fitted out by the Enemy, I think it is worth our while to purchaſe the Aſſiſtance even of our private Ships of War.

'Sir, The Laws, now propoſed to be revived, were not made

made temporary, becauſe the Parliament then thought there would be no Occaſion for them in any future War, but becauſe they could be of no Uſe but in time of War; and that Parliament certainly imagined, that after they had introduced the Precedent, the Parliament would never fail to revive them, as ſoon as any new War ſhould break out. But I muſt obſerve, that a Law's being at firſt made temporary, is no Argument againſt its being of perpetual Uſe. It is, I think, a very prudential Caution in a free Country, never to make any Law perpetual, 'till it is found by Experience to be a good Law, and no Way hurtful to our Conſtitution. If this Caution had always been obſerved, ſeveral perpetual Laws now in being, I believe, would never have met with the Honour of being revived, far leſs of being made perpetual. Anno 13. Geo. II. 1739.

'The Honourable Gentlemen who oppoſe this Motion are pleaſed to tell us, Sir, that his Majeſty is the beſt Judge of the Queſtion, Whether the Evils, now apprehended, may be prevented by the Powers, with which the Crown is already, by Law, inveſted. I wiſh theſe Gentlemen would leave his Majeſty's Name out of this Queſtion, as well as every other. It is not his Majeſty, but his Miniſters, that we are to ſuppoſe Judges; and, I hope, his Miniſters will not take it amiſs, if I ſay, that I think this Houſe as good a Judge of this or any other Queſtion as they are. There are ſeveral Gentlemen in this Honſe, that know the Powers, with which the Crown ſtands by Law inveſted, as well as Miniſters can do, and, I believe, they are more impartial Judges; for Miniſters are apt to be partial in Favour of the Powers and Prerogatives of the Crown, and to ſuppoſe them much more extenſive than they really are. One may eaſily gueſs from the expired Laws that have been read to us, that ſeveral Things are intended to be done by this Bill, which cannot be done by any of the Powers with which the Crown now ſtands inveſted; and yet they are ſuch Things as every Man muſt allow to be neceſſary for encouraging his Majeſty's Subjects, of all Ranks and Degrees, to aſſiſt and to do their Duty in the Proſecution of the preſent War. For this Reaſon, Sir, ſuppoſe our Miniſters had done all that was in the Power of the Crown to do, for the Encouragement of our Seamen in the preſent War, yet it could be no Argument againſt the Utility of the Bill now propoſed. But when we conſider, that all has not been done that was in the Power of the Crown to do, it renders it not only neceſſary to bring in this Bill, but to bring it in as ſoon as poſſible. It was in the Power of the Crown to have promiſed to give the whole Value of every

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every Prize to the Captors. This is ſo far from having been done, that we are told, it is not to be done. I feel as ſenſibly as any Man the Sufferings of our Merchants, but I am not for putting the Encouragement of our Seamen, and conſequently the Succeſs of the War, on a Balance with giving them a little immediate Reparation; and therefore, what the Honourable Gentleman, who ſpoke againſt this Motion, has told us concerning the promiſed Diſtribution of the Prizes already taken, is, in my Opinion, a ſtrong Argument for our bringing in and paſſing this Bill. His Majeſty has called us together ſooner than uſual, in order to have our Advice: If then, his Miniſters have committed a Miſtake, ought not we, in Duty to our Sovereign, to rectify that Miſtake as ſoon as poſſible? With regard to the Prizes already taken, no Gentleman, I believe, will be for altering any thing his Majeſty has done; but with regard to all future Prizes, I hope we ſhall give the Seamen the whole, in order to encourage them to be vigilant and active in doing their Duty. No ſuffering Merchant, that has Prudence and a Regard for his Country, will repine at this; becauſe if we puſh the War with Vigour, and Providence does not declare againſt us, we ſhall obtain full Reparation for them by an honourable Peace, before, perhaps, even the Prizes already taken ſhall be diſpoſed of and divided amongſt them. But ſuppoſe, Sir, it were right to give the ſuffering Merchants a Share of every Prize, ought not this Share to have been aſcertained and publicly declared before now, that our Seamen might have known what to expect from the Prizes that were to be taken by their Conduct and Courage? Diſcretionary Powers are, I know, of all Powers, the greateſt Favourites with Miniſters; but thoſe Miniſters muſt have a moſt extravagant Love for diſcretionary Powers, who will not depart from them or limit them, even by their own Act and Deed, in a Caſe where the Succeſs of their Country depends upon a Limitation of ſome kind or other. At preſent our Seamen do not know, that they are to have any Share of the Prizes they take; and this may probably be one of the Reaſons that has made them appear ſo much averſe to his Majeſty's Service. If our Miniſters have reſolved, after reſerving a ſmall Share for our ſuffering Merchants, to give the whole Reſidue to the Captors, why reſerve this Reſolution in Petto? Why not publiſh it by Proclamation? This is what they might have done by Virtue of the Powers now lodged in the Crown: This would certainly have been been more agreeable to our Seamen, than to remain in that Uncertainty, under which they labour at preſent;

ent; and ſince it has not been done by Proclamation, I think we ought as ſoon as poſſible to endeavour to do it by Act of Parliament. In ſuch a Caſe, ſhall we wait till the Miniſters come and deſire us to rectify their Miſtakes? Surely no Member of this Houſe will ſay, that ſuch a Delay would be conſiſtent with the Duty, or the Dignity of Parliament. Anno 13. Geo. II. 1739.

'If the Bill now propoſed were a Bill that had never been thought of before, there might be ſome Occaſion for mature Deliberation. But this is not the Caſe: The Bill moved for is no new Bill. It is a Bill only for reviving a Law that was found neceſſary in the laſt War, and which from the Nature of Things muſt appear to be neceſſary in this. Beſides, the very Bill now propoſed was fully conſidered, and actually brought in two Years ago: I believe there will be Occaſion for very little Alteration, unleſs it be in the Preamble; and if any in the Adminiſtration think, that there were Faults or Deficiencies in the former Bill, it is to be hoped they will aſſiſt in drawing up this in order to have thoſe Faults or Deficiencies rectified; therefore I can ſee no Reaſon for poſtponing the Motion, nor do I think, that the Delay thereby occaſioned can be made good by any Diſpatch that can afterwards be given in paſſing it through the ſeveral Branches of our Legiſlature; for which Reaſon, if the Queſtion be put upon my Honourable Friend's Motion, and I hope he will not part with it, I ſhall certainly give my Affirmative to the Queſtion.'

John Howe, Eſq; §

SIR,

'I have read over and conſidered his Majeſty's Speech with as much Care as I ever did any thing, and if I may be allowed to underſtand the Engliſh Language, I am ſure, there is not a Word in the whole Speech that can be ſuppoſed to relate to the Bill now moved for. With regard to the Supplies neceſſary for the Service of the enſuing Year, the Speech may, indeed, be allowed to be ſome Sort of Meſſage, and I hope we ſhall comply with it both readily and unanimouſly; but with regard to any thing elſe, we may, I think, as well call it a Prayer, or a Command, as a Meſſage. His Majeſty has told us, 'tis true, that he has called us together ſooner than uſual, in order to have our Advice at this important Juncture; but if we have any Advice to offer, we ought to do it by an Addreſs, which is the uſual Way of communicating our Thoughts to the Crown, John Howe, Eſq;

§ Since created Lord.

Anno 13. Geo. II. 1739.

Crown, with regard to any thing we think ought to be done. I muſt think, that it is a pretty odd, and a new Way of offering Advice to the Crown, to do it by Way of Bill, and by a Sort of Bill too, that makes a direct Incroachment upon the Prerogative Royal; for if it be intended by the Bill now propoſed to give the whole of every Prize to the Captors, I muſt ſay, the Bill will be a direct Incroachment upon the Prerogatives of the Crown, among which, that of having the Diſpoſition and Diſtribution of every thing taken from the Enemy is certainly one.

'By our preſent Conſtitution, Sir, the Crown may diſpoſe of what is taken from the Enemy, as a Reward to the Captors, and to encourage others to take as much as they can from the Enemy; in which Caſe, the Crown has the Power of proportioning that Reward to the Behaviour of each Man concerned in the Capture, which will always have a great Effect upon the Behaviour of private Men; whereas, if you give the whole thus by the Lump to the Captors, you put it out of the Power of the Public to reward the Bravery, or puniſh the Indolence of any Officer or Seaman concerned in his Majeſty's Navy. The whole will depend upon the Chance of War, which, in every ſort of War, muſt be allowed to be very whimſical, but in a Naval War it is more whimſical than in any other. A rich Galleon, or Spaniſh Regiſter Ship, may eſcape a moſt diligent Admiral or Captain in the Weſt-Indies, or about the Canaries; and by mere Accident may fall into the Hands of a moſt ſlothful and negligent Commander upon the Coaſts of Spain. In this Caſe, ſurely, it would be Juſtice to give ſome Part of the Prize to thoſe who had been diligent in looking out for her, and but a very ſmall Part to thoſe who, perhaps by their Sloth, and not by their Diligence, had met with her; but if the Bill now propoſed ſhould paſs into a Law, the ſlothful may have the whole, and thoſe who were diligent, and perhaps by that Diligence threw the Prize in the other's Way, may have nothing. What an Effect this muſt have upon the Behaviour both of our Officers and Seamen, I ſhall leave to thoſe that hear me to conſider.

'In all other limited Governments, Sir, the Power of the ſupreme Magiſtrate is always made more extenſive in time of War, in proportion as the War is more dangerous. Amongſt the Romans, who were as jealous of their Liberties as any People ought in Reaſon to be, a moſt abſolute and arbitrary Government always took Place, when they found themſelves engaged in a dangerous War. What the preſent War may be to this Nation, no one can tell: I grant,

grant, we have yet no great Reaſon to be much afraid of its Conſequences: As long as Spain ſtands ſingle and alone againſt us, I believe we never ſhall: But who knows what other Powers may engage? And if ſome of the other Powers of Europe ſhould engage againſt us, they may render the War not only burthenſome, but dangerous to this Nation; in which Caſe, I ſhould not think it very prudent to put Reſtraints upon the Power of our Sovereign, which our Conſtitution is very little acquainted with, and whoſe Conſequences we had no Opportunity of knowing in the late War, both becauſe it laſted but for a few Years after the Regulations, now propoſed to be revived, were made; and becauſe, from the Time they were made, it was rather a Land than a Naval War, the Enemy having been in ſome Meaſure drove quite out of the Seas ſome time before the 6th of Queen Anne. Anno 13 Geo II. 1739.

'But, Sir, ſuppoſe there were no Objection to be made againſt any of the Regulations intended by the Bill now moved for, what Occaſion have we to be in ſuch a Hurry, as to order the Bill in the very 2d Day of the Seſſion? Let the Bill be brought in, and paſſed when we will, we cannot make it commence till after *Chriſtmas*; becauſe by Treaties long ſince entered into, we are engaged to reſtore all Goods and Effects found on board the Ships of any Nation we are at War with, if upon Examination it ſhall appear, that they belonged to any of our Allies, and that the Ship was taken within ſo many Weeks in the Seas of Europe, or ſo many Months in the Seas of Africa or the Indies, after the Declaration of War. Now, as the War againſt Spain was declared but the 23d of October laſt, we cannot pretend to give to the Captors the Goods or Effects of our Allies, which may be taken even in the Seas of Europe before *Chriſtmas* next; therefore, if we were now to paſs the Bill, as well as order it to be brought in, we could not make it begin to take Effect before ſome Day in January next; and before that time, it may be paſſed into a Law, even though it ſhould not be brought in, or ordered to be brought in, for this Week or ten Days to come. For this Reaſon, Sir, I can ſee no Occaſion for being in a Hurry about ordering this Bill to be brought in, eſpecially as ſome Gentlemen ſeem to think it inconſiſtent with that Reſpect which is due to Crown; for ſince paſſing the Bill can have no Effect till the Day of its Commencement, and ſince poſtponing of the Motion will not poſtpone the Day of its Commencement, I think we ought to have ſo much Complaiſance for one another, as to poſtpone a Motion which may, in a few Days hence, be unanimouſly agreed to, even

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by thoſe who this Day find fault with its having been made.

‘ Sir, I ſhall always be againſt our ſhewing a Reſpect, either to the Crown or to Miniſters, that is inconſiſtent with the Dignity of this Houſe; but in the preſent Caſe, I muſt think the Delay deſired ſo far from being inconſiſtent with our Dignity, that I think it would be inconſiſtent with the Reſpect we owe to the Crown, not to comply with it. I even wiſh the Motion had not been made, till ſome Meſſage for that Purpoſe had been ſent to us from the Crown. The Bill is certainly in its own Nature a Bill of Grace and Favour: Our Seamen will look upon it as ſuch, and will think themſelves highly obliged to thoſe who were the Authors of it. For this Reaſon I wiſh, the firſt Step towards its Introduction had been made by the Crown: I think we are in Duty, as well as out of Reſpect to his Majeſty, bound to allow ſuch a Bill to owe its Birth to him. If the Motion be poſtponed but for a few Days, we may probably have a Meſſage from his Majeſty for that Purpoſe; and ſurely thoſe who think it a right Thing, will be willing his Majeſty ſhould have the Merit of propoſing it. The Motion that has been made will derogate a little from that Merit; but as I am convinced, that no Gentleman has a greater Regard for his Majeſty than the Honourable Gentleman who made the Motion, I hope that now, after he has conſidered it, he will endeavour to leſſen the bad Effects it may have, by preventing its appearing in our Votes, which he may prevent, by not inſiſting upon the Queſtion.’

Mr. Howe was anſwer'd by Edward Hooper, Eſq;

Edward Hooper, Eſq;

SIR,

‘ As I was one of thoſe that were ſanguine for having a Bill of this kind paſſed into a Law two Years ago, when it was actually brought in, it cannot be expected that I ſhould be againſt it now, when ſuch a Law ſeems to be more neceſſary than it was at that Time. Yet, I own, if the Motion had not been made, I ſhould have been againſt making it ſo very early in the Seſſion. But now, that the Motion is made, I ſhall be againſt its being poſtponed; and I hope no Gentleman will think of having a Negative put upon it. Whether it appears in our printed Votes or no, it will be heard of without Doors. Even the Populace, and particularly our Seamen, will hear, that ſuch a Motion has been made in Parliament, and that it was made without Effect, which will be attended with very unlucky Conſequences. We are engaged in a War with an Enemy that cannot be attacked by us, nor can they attack us, but by Sea. For this Reaſon, we have Occaſion for a great Number

ber of Seamen; for without them, we can neither attack the Enemy, nor defend ourſelves. From whatever Cauſes it may proceed, we find by Experience, that our Seamen are unwilling to enter into his Majeſty's Service. In theſe Circumſtances, will not our putting a Negative upon this Motion, or even our poſtponing it, render our Seamen more backward than ever, to enter into his Majeſty's Service? It will be impoſſible to make them underſtand the Reaſons aſſigned for poſtponing it, or to make them believe that it will be ſhortly reſumed: They will look upon the Delay as an abſolute Refuſal to bring in or paſs ſuch a Bill, and thereupon they will naturally reaſon thus with themſelves: What ſhould we enter into the King's Service for? We can have higher Wages of the Merchants; and by what has happened in Parliament we may ſee, that we are to have no Share, or but a ſmall Share, of any Prizes we take. Will not this make them avoid entering into his Majeſty's Service as much as they can? And this muſt of courſe retard, if not diſappoint ſome of our Deſigns againſt the Enemy. As I am convinced the Law now propoſed will not only increaſe the Alacrity of our People, but intimidate our Enemies, I am ſorry to find no Intimation in his Majeſty's Speech relating to its being revived. Had ſuch a Law been recommended to our Conſideration from the Throne, it would have convinced the World of, what I do not doubt, his Majeſty's Intentions to carry on the War with the utmoſt Vigour.

'The Honourable Gentleman who ſpoke laſt has told us, that the bringing in of ſuch a Bill can have no Effect till it be paſſed into a Law. Sir, I muſt beg Leave to differ from him. The very Motion for bringing it in, the Motion that is now before us, if it be agreed to, will have a very great and good Effect. It will ſhew our Seamen, that they are to have the whole of every Prize they take divided among them, and managed, diſpoſed of, and diſtributed by Agents choſen by themſelves. This will make them conſider, that beſides their Wages they have a good Chance of enriching themſelves and their Families, by being in the King's Service; and this will of courſe make them fond of being in the Service. I believe there will ſtill be a Want of Seamen, as there always muſt be at the Beginning of a War, unleſs we keep in continual Pay a large Body of Seamen, even in time of Peace; but it will probably remove that Want of Seamen in his Majeſty's Service, which is now ſo ſenſibly felt, and ſo much complained of, even by thoſe who are for poſtponing this Motion. Therefore, do not let us do a real Injury to his Majeſty's Service, by

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by ſhewing an unſeaſonable, and perhaps I may ſay an imaginary Reſpect to the Crown.

'I was indeed ſurprized, Sir, to hear it pretended, or inſinuated, that we could not make this Bill commence till the Month of January next, becauſe of the Treaties between us, and ſome of the Powers of Europe, who are now our Allies and good Friends. I know, Sir, that by ſome of thoſe Treaties, the Goods of our Friends or Allies are not to be confiſcated, tho' found on board an Enemy's Ship, if it ſhall appear that thoſe Goods were ſhipped on board that Veſſel before the Declaration of War, or within ſo many Weeks or Months after the Declaration of War as are mentioned in the reſpective Treaties. But what has this to do with the Bill now propoſed to be brought in? Our Seamen are not by this Bill to get any Title to a Ship or Cargo taken from the Enemy, till both be condemned by our Courts of Admiralty, as lawful Prize. Can the Goods of Friends, tho' found on board an Enemy's Ship, be condemned as lawful Prize, when it appears that thoſe Goods ought by Treaty, or by the Law of Nations, to be reſtored to the proper Owners? In this Caſe the Law is extremely plain, and Care will certainly be taken in the drawing up of the Bill not to alter it, or render it doubtful by any Clauſe, or any Expreſſions in the Bill. The Bill is to be drawn up upon the Plan of thoſe expired Laws, that have been read to you; and can it be ſaid that there is any thing in either of them, that could authorize a Judge-Admiral to condemn as lawful Prize all Goods found on board an Enemy's Ship, even tho' it ſhould be made appear, that ſome of them belonged to the Subjects of a Nation in Friendſhip with us; and that they were ſhipped on board that Veſſel before our Declaration of War againſt Spain, or even after that Declaration, but within the Times reſpectively limited by Treaty? What then ſhould hinder us from making the Bill begin to have Effect, as ſoon as it ſhall receive the Royal Aſſent? Therefore, we ought to paſs the Bill as ſoon as poſſible, becauſe it will encourage the Officers and Seamen of his Majeſty's Navy to be watchful and diligent in looking out for, and taking all Ships belonging to the Enemy; and we ſhould, as ſoon as poſſible, order the Bill to be brought in, becauſe that very Order will induce our Seamen to enter themſelves voluntarily on board his Majeſty's Navy. And as our poſtponing or diſagreeing to the Motion, now it is made, will have a quite contrary Effect, when Gentlemen conſider the Circumſtances we are in, I hope they will depart from their Punctilio of Reſpect to the Crown, and allow the Motion

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to have, what it ought to have, the unanimous Approbation of this Houſe.' Anno 13. Geo. II. 1739.

Then Sir John Barnard ſpoke in Effect as follows:

SIR

'I find that the Gentlemen, who oppoſe this Motion, pretend that a Reſpect for the Crown is the chief Cauſe of their preſent Oppoſition; and that they are not againſt the Bill, but againſt its being moved for, till we have ſome Meſſage from his Majeſty for that Purpoſe; but I muſt obſerve, that moſt of them have ſaid ſeveral Things againſt the Bill itſelf; and therefore, as ſome of them may be ſuppoſed to have ſome Influence in his Majeſty's Councils, I am afraid that, if we poſtpone the Motion till we have a Meſſage from the Crown, we muſt poſtpone it till the End of the War. The Point really in Diſpute is, about taking from the Crown one of thoſe diſcretionary Powers, it is at preſent poſſeſſed of; and in ſuch a Diſpute, Sir, I am no way ſurprized to hear the Continuance and Utility of that Power argued for by the Gentlemen, who have, or the Favourites of thoſe who have, the Exerciſe of all the diſcretionary Powers of the Crown in their Hands; for Miniſters are extremely apt to fancy they ſee great Advantages in every Prerogative of the Crown, and to be quite blind to the Diſadvantages it may be attended with. But as I have not the Honour to be concerned in exerciſing any ſuch Powers; nor, I believe, the Fortune to be much in the good Graces of thoſe that are, I can judge of the diſcretionary Powers of the Crown with leſs Prejudice; and I can ſay without Fear, that I am againſt all ſuch, where they are not abſolutely neceſſary; for I look upon a diſcretionary Power to be very near a-kin to an arbitrary one; and am therefore for having as few ſuch as poſſible. At preſent the Crown has, 'tis true, the ſole Property in all Prizes taken from the Enemy by his Majeſty's Ships of War; but I muſt beg Leave to obſerve, that this Property is veſted in the Crown only as Truſtee for the Public; becauſe the whole ought to be diſpoſed of in the moſt prudent Manner, for the Benefit of the Public; and Miniſters may be puniſhed for a Miſapplication of that, as well as any other Property belonging to the Public; ſo that the Power of diſpoſing of thoſe Prizes is not, even as the Law ſtands at preſent, altogether diſcretionary, nor is it near ſo arbitrary, as ſome People may perhaps imagine. As our Laws ſtand at preſent, the Crown, or rather the Miniſters of the Crown have, I admit, a diſcretionary Power to apply the Produce of thoſe Prizes, that may be taken from the Enemy by his Majeſty's Ships of War, to what public Services' Sir John Barnard.

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Services they pleaſe, and in what Manner they pleaſe. If I thought that the Power they have would always, or even for the moſt Part be made uſe of, in the moſt juſt and prudent Manner, for the Service of the Public, and for that only, I ſhould be loth to take it from them; I know it might be of great Service to leave it in the Power of the Crown to grant a larger Share of the Prize to ſome of the Captors, than to others; and ſometimes to grant a Share of the Prize, even to thoſe who were not immediately concerned in the Capture. I know that ſome of thoſe who have, by a Law, a Title to their Share of a Prize, may ſometimes behave in ſuch a negligent, or cowardly Manner, as to deſerve Puniſhment rather than a Reward; and therefore it would be of Service to the Public to leave a diſcretionary Power in the Crown, to reward the Captors according to their ſeveral Deſerts, if it could be expected that this Power would be wiſely and juſtly apply'd; but this is not to be expected. This Power will, I am ſure, like all other diſcretionary Powers, be often abuſed, and it may be made to ſerve very bad Purpoſes; therefore I am for putting an End to it, by veſting the Property of every Prize in the Captors; and to this I am the more inclined, becauſe I know, that all the Officers and Seamen in the Navy, at leaſt thoſe who have the greateſt Merit, would chuſe it.

But ſuppoſe, Sir, his Majeſty were to grant the whole, or a certain Share of every Prize to the Captors by Proclamation; yet the Inconvenience of a Prize-Office would ſtill remain: Without an Act of Parliament he cannot impower the Officers and Seamen to name their own Agents: He cannot by Proclamation order, that with reſpect to this Nomination, the Minority of the Officers concerned ſhall be determined by the Majority; or that the Minority of the Ship's Company concerned ſhall be determined by the Majority; therefore without an Act of Parliament the Grievance of a Prize-Office muſt ſtill remain, and it cannot be expected that it ſhould be a leſs Grievance now, than it was found to be in the late Queen's Time. When the Agents are named by Miniſters, they are not only apt to levy exorbitant Fees and Perquiſites upon the Officers and Seamen concerned, but they are apt to keep the whole Produce in their Hands for a long Time, or for ever, if they can. It is now twelve or thirteen Years ſince our laſt Skuffle with Spain; and, I believe, ſome of the Prizes which were then taken, are not as yet accounted for: I believe, the whole Produce of ſome of them remains yet in the Hands of thoſe Agents, that were appointed by the Crown; which

which, I am ſure, would not have been the Caſe, if the Agents had been appointed by the Officers and Seamen concerned. Anno 13 Geo. II. 1730.

'This Inconvenience therefore muſt ſtill ſubſiſt, unleſs ſome ſuch Bill, as what is now propoſed, be brought in, and paſſed into a Law; and beſides this, ſeveral other Things are intended to be eſtabliſhed by this Bill, which will be of great Service in the Proſecution of the preſent War; and which cannot be eſtabliſhed any other Way than by an Act of Parliament. The 5 *l.* per Man, Reward, can be given no other Way; and in my Opinion, it is abſolutely neceſſary to give it, in order to encourage our Ships of War to deſtroy thoſe of the Enemy. Preferment may be one Motive, but that Motive is not of itſelf ſufficient, even tho' duly and regularly beſtowed, which can hardly be expected; for true Merit is ſeldom the moſt prevalent Title to Preferment. A pecuniary Reward is a Motive much more certain. Money often makes Men do what nothing elſe can make them do. Without ſuch a Reward, it is not to be expected that any of our Privateers will attack thoſe of the Enemy. That Privateers ſeldom attack one another is become almoſt a Proverb in every Nation of Europe. In King William's War the French and Spaniſh Privateers often met in the Bay of Biſcay. They were upon oppoſite Sides in the War; but did they ever attack one another? No, Sir; when they met, they ſaluted, like good Friends, wiſhed one another a ſucceſsful Trip, and went upon their reſpective Buſineſs. No one of them ever fought another, but once, that the Captain of a Spaniſh Privateer, and the Captain of a French one had a perſonal Quarrel at a neutral Port, whereupon they ſailed out to Sea, and engaged their two Ships in the Quarrel. If we have a Mind therefore to have the Enemy's Privateers deſtroy'd, we muſt tempt our own by a pecuniary Reward, as well as the Hopes of Preferment, to attack them; and this can only be done by Act of Parliament.

'Laſtly, Sir, with regard to the Encouragement intended by this Bill to be given to private Adventurers, to attack and take ſome of the Dominions belonging to the Enemy: This too can only be done by Act of Parliament. His Majeſty may incorporate them by Charter; but he cannot by Charter impower them to ſail within the Limits of the South-Sea Company's Charter, thoſe Limits being excluſively eſtabliſhed and ſecured to that Company by Act of Parliament. Nay, I doubt, if his Majeſty's Commiſſion can give our Privateers a Right to ſail within the Limits of that Company's Charter, becauſe by Act of Parliament it

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is declared, that every other Perſon, beſides thoſe employ'd by the Company, that ſhall frequent or trade to the South-Seas, ſhall forfeit the Ship and Goods, and double the Value thereof. In our preſent Circumſtances therefore, a new Law is abſolutely neceſſary for impowering our Privateers and private Adventurers to ſail within the Limits of that Company's Charter; and till ſuch a Law be paſſed, we cannot propoſe to make any great Advantage of the War; for which Reaſon, I hope the preſent Motion will not only be inſiſted on, but agreed to.'

The Right Hon. Sir Robert Walpole then ſtood up, and delivered his Sentiments in Subſtance as follows:

SIR,

Sir Robert Walpole.

'Whatever other Gentlemen may think, I can ſee no Reaſon why we ſhould be now more jealous of the diſcretionary Powers lodged by our Conſtitution in the Crown, than we were heretofore; for, I am ſure, no Man can ſay that his preſent Majeſty has ever made an improper or imprudent Uſe of any one of them. The Property of all Conqueſts made, and all Prizes taken from the Enemy, has been veſted in the Crown ever ſince we had any ſuch thing as a Conſtitution, except for a few Years in the late Queen's Reign; and the War we were then engaged in was ſo heavy upon the Nation, that it was prudent and neceſſary at that time to encourage, by an eſtabliſhed and public Law, all private Adventurers to diſtreſs the Enemy, by giving them the ſole and abſolute Property in every thing they ſhould take; but I do not think the War we are now engaged in is yet become ſo heavy as to render it neceſſary for us to make an Alteration in our Conſtitution, for the ſake of carrying it on with the more Vigour. Beſides, there is a very great Difference between our Circumſtances now, and our Circumſtances when thoſe Laws were made, that are now propoſed to be revived. The War we were then engaged in had been declared and continued for above three or four Years before thoſe Laws were made; ſo that, if any of our Friends had then any Goods on board the Ships of our Enemies, or had granted any Policies of Inſurance upon any of thoſe Ships, they could pretend no Excuſe, nor had they the leaſt Shadow of an Argument againſt our ſhewing no Regard to them, when thoſe Ships fell into our Hands. Whereas the War we are now engaged in is but juſt declared, and therefore, even our People at Home, as well as our Friends Abroad, may have valuable Properties on board Spaniſh Ships, which were ſhipped on board before they heard of the Rupture; or they may have granted Policies of Inſurance

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for large Sums of Money before they had the leaſt Notice of our Declaration of War; in which Caſe it would be very hard, and in my Opinion unjuſt, to ſhew no Regard to them, in caſe any of thoſe Ships ſhould fall into our Hands. Anno 13 Geo. II. 1739.

' I admit, Sir, that the Judges of our Courts of Admiralty could not declare thoſe Goods to be lawful Prize, that ſhould appear to belong to our Friends, and to have been ſhipped on board before the Declaration of War, or even after the Declaration of War, but before the Time limited by Treaties between them and us; but if we ſhould ſtand peremptorily upon the very Letter of the Law, eſpecially with regard to thoſe foreign Friends with whom we have no ſuch Treaties, it might afford many juſt Cauſes of Complaint againſt us; and our Judges could give no Relief in any Caſe where the expreſs Letter of the Law is againſt the Claimants, particularly with regard to Inſurance; for tho' the Inſurance was made perhaps here at London before the Declaration of War, the Judge muſt declare the whole Ship and Cargo lawful Prize, without the leaſt regard to the Inſurer; and by this Bill, you will put it out of the Power of his Majeſty to ſhew any Regard to him, or to give him any Relief; tho' for his Credit's Sake he would be obliged to pay, even to the Subjects of Spain, the Sum for which he had taken a Premium and granted a Policy.

' From theſe Conſiderations, Sir, I think it is evident, that our Circumſtances are now very different from what they were, when thoſe Laws were made, which are now propoſed to be revived; and that the reviving of them ſo ſoon after the Declaration of War may be attended with many Inconveniences they could not be ſubject to, when firſt enacted: Beſides, it is yet a Doubt, whether or no it will be neceſſary to make ſuch an Alteration in our Conſtitution, during the preſent War; and, I think, it ought not to be made, unleſs it be found abſolutely neceſſary; becauſe whatever Exceptions we may be obliged to make upon particular Occaſions, I hope, it will always be held as a general Rule, not to be departed from without Neceſſity, to veſt in the Crown the Property of every Thing taken from a public and declared Enemy, and to leave the Diſpoſal or Application of that Property to our Sovereign.

' I readily grant, Sir, that with reſpect to the Diſpoſal of this Property, the Crown is properly but a Truſtee for the Public. The whole ought to be applied, in ſome Shape or other, to the Service of the Public; and the Parliament may call to Account, and ought to puniſh ſeverely, any

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Miniſter that ſhall dare to apply the leaſt Part of it otherwiſe. But as there are ſeveral public Services, to which it may be uſefully applied, applying the whole, by an eſtabliſhed and unalterable Law, to any one particular Service, may be both imprudent and unjuſt; and I muſt think, that thoſe who are entruſted by our Sovereign with the Conduct and Management of our public Affairs, may without any Breach of Modeſty pretend, that they are the beſt Judges of thoſe public Services, to which this Property ought to be applied; for they muſt know many Facts, and the general Circumſtances of the Nation with regard both to our foreign and domeſtic Affairs, much better than others can do; and if they have not ſo much common Senſe, the Parliament ought to think of bringing about a Change in the Adminiſtration, rather than of encroaching upon the Prerogatives of the Crown.

'There are four public Services at preſent to which the Produce of the Prizes taken from the Enemy may be properly applied. It may be given to the Captors, in order to encourage our People to take as much as they can from the Enemy; or it may be applied for giving Reparation to our injured Merchants; or it may be applied for defraying a Part of the Expence of carrying on the War, in order to prevent our being obliged to encroach upon the Sinking Fund, or to load our People with any new or additional Taxes; or laſtly, it may be applied towards paying our public Debts. If we ſhould have the good Luck to ſeize any very valuable Prizes, I ſhall be ſo free as to declare, that in my Opinion the Produce of them ſhould be divided, and applied in ſome certain Proportions to every one of theſe Purpoſes, or at leaſt to the firſt three. I am, as much as any Gentleman can in Prudence be, for encouraging our Seamen; and therefore when the Prize is but of ſmall Value, or not above a certain Value, I ſhould be for giving the whole to the Captors; but when the Prize is of an immenſe Value, as ſome of them may, and I hope will be, I am ſure, if you give the whole to the Seamen concerned in the Capture, they will be Seamen no more. There is one Ship now expected, Sir, from Buenos Ayres, which is reckoned worth a Million Sterling: This Ship may happen to be taken by one ſingle Man of War: If this ſhould be the Caſe, in my Opinion, any Miniſter that ſhould give the whole of ſuch a Prize to the Captors would deſerve to be impeached by Parliament; and I muſt think, it would be a little odd for the Parliament to do by an Act of theirs, what they ought, and, I believe, certainly would impeach a Miniſter for doing, or adviſing his Majeſty to do.

It would be giving a moſt extravagant Reward to the Captors, and doing, I think, an Act of great Injuſtice to the Nation, and in particular to the ſuffering Merchants. If ſuch a Prize ſhould happen to be taken by one ſingle Man of War, we might give a ſufficient Reward to the Captors, and might reſerve as much as would go ſome Length towards giving full Reparation to our ſuffering Merchants, or towards ſaving our Land-holders, for one Year at leaſt, a Shilling in the Pound Land-Tax: And both theſe Setts of Men have, I think, ſome Title to our Regard, as well as our Seamen. Every War muſt fall heavy upon our Land-holders; and therefore, when we are ſucceſsful, ſome Part of what we get by the War ought to be applied to their Relief: And as to our ſuffering Merchants, I think, we are both in Honour and Juſtice bound to make good to them, at leaſt the 95,000 *l.* which was to have been paid to them by Spain, in caſe we had not begun Hoſtilities againſt that Nation. We have already got ſome conſiderable Prizes; and his Majeſty has given his Royal Word, that our ſuffering Merchants ſhall be conſidered, when thoſe Prizes come to be diſpoſed of; but I muſt obſerve, that if the Bill, which was brought in two Years ago, had paſſed into a Law, thoſe Merchants could have expected no Share of theſe Prizes: And if ſuch another Bill ſhould be paſſed this Seſſion, they can expect no farther Reparation till the End of the War; and, I think, it would not be altogether juſt to make them wait till the Concluſion of a War, which may laſt for ſeveral Years, without any Reparation, whilſt many others of our Subjects are made rich by the Prizes they take. I muſt likewiſe think, it would be ſtill more unreaſonable, to make the Reparation of our Merchants depend upon the uncertain Event of a War. By ſo doing, we may encourage our Seamen, but we ſhall very much diſcourage our Merchants; and let us conſider, that if we have no Merchants, we can have no Trade, and that without Trade we ſhall have but few Seamen.

'I wiſh, Sir, with all my Heart, we had already met with more Succeſs than we have done; but thoſe who conſider the many Chances that are againſt us muſt give Thanks to Providence for the Succeſs we have already met with. In ſuch a wide Sea, as that between New and Old Spain, 'tis a great Chance if our Squadrons meet with any of the Enemy's Ships. And even tho' our Squadrons got Sight of them, a dark Night, a Fog, or a contrary Wind intervening, may prevent their being taken. Beſides this, the Enemy may probably ſoon find out how our Squadrons

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Squadrons are ſtationed, and may by ſending out ſeveral Advice-Boats prevent their rich Ships from coming near thoſe Stations; for ſeveral ſtraggling Advice-Boats may more probably meet with a Ship at Sea than can be expected from a Squadron, which muſt always keep cloſe together. By theſe means their Aſſogue Ships eſcaped Admiral Haddock's Squadron; and yet thoſe Ships would in all Probability have fallen into our Hands, as well as the Caracca Ships, if Admiral Vernon had not been detained in the Channel by contrary Winds, till about the Time of their Arrival in Spain. Theſe Conſiderations ſhew, Sir, that it will be a great Chance, if we meet with many rich Prizes during the War; and therefore we ought to make the beſt Uſe of thoſe we do meet with. If the diſpoſing of them be left to his Majeſty, I am perſuaded, the beſt and the moſt prudent Uſe will be made of them; but if it be thought neceſſary to regulate this Matter by a new Law, I think, I have ſhewn that it will be no eaſy Matter to make proper Regulations for this Purpoſe; and therefore, I hope, Gentlemen will, by poſtponing the Motion, take Time to conſider of what is moſt proper to be done.'

Philip Gybbon, Eſq;

SIR,

Philip Gybbon, Eſq;

'The Objections at firſt made uſe of againſt the preſent Motion were only upon account of its being too early; becauſe, we were told, ſuch Bills ought to proceed originally from the Crown; and that therefore we ought to wait a few Days, in order to give his Majeſty an Opportunity to ſend us a Meſſage for that Purpoſe. But the Arguments made uſe of by the Honourable Gentleman, who ſpoke laſt, ſeem to be levelled againſt the Bill itſelf, and that therefore no ſuch Motion ought to be made at this Time, or at any future Time. This indeed I ſuſpected would be the Turn which the Debate would take at laſt; and therefore I foreſaw what, I think, is now evident, that poſtponing the Motion would be the ſame with rejecting it.

'To veſt the Property of every Thing taken from the Enemy in the Captors by Act of Parliament, and thereby to deſtroy an Office which has always been a lucrative one to the Officers employ'd, who are all named by the Crown, muſt be allowed to be a Diminution of that Power, which is now lodg'd in the Crown, and conſequently in the Miniſters of the Crown; and I do not think, that our preſent Miniſters have given us any Room to hope, that they will adviſe his Majeſty to apply for any ſuch Act of Parliament. To tell us, upon ſuch an Occaſion, that there is no Reaſon for our being jealous of any of the diſcretionary Powers lodg'd in the Crown,

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or that his preſent Majeſty has never made an improper Uſe of any of them, is an Argument that, out of reſpect to his Majeſty, ought never to be made uſe of in this Houſe. His Majeſty never has made, his Majeſty never can, by our Conſtitution, make an improper or imprudent Uſe of any of the Prerogatives of the Crown; but his Miniſters may, and by our Conſtitution we may in this Houſe ſay, that they have. We meet here, Sir, to watch over and preſerve the Liberties of the People, and therefore we ought always to be jealous of every diſcretionary Power, be it lodged where it will: We ought to admit of none ſuch, but thoſe that are abſolutely neceſſary for the Adminiſtration of our Government, and the Preſervation of our Conſtitution. Anno 13 Geo. II. 1739.

'The diſcretionary Power, which is to be limited by the Bill now propoſed, is ſo far from being neceſſary, that it was found to be a Grievance in the laſt War, and will certainly be found to be one in this. Bills in Parliament are often deſigned to prevent Grievances that are foreſeen, as well as to remedy Grievances that have been felt; and, I am ſure, he muſt be very little acquainted with the Hiſtory of the laſt War, or the Nature of Things, who does not foreſee the Grievances which this Bill is deſigned to prevent. The Prize-Office was in the laſt War found to be a moſt intolerable Grievance upon the Officers and Seamen of our Navy; and the Backwardneſs that was ſhewn by our Privateers, and even by our public Ships of War, to attack thoſe of the Enemy, was then found to be a Grievance of very pernicious Conſequence to our Trade. Theſe were Grievances that did not proceed from the Nature of the War we were then engaged in: They proceeded from the Nature of Mankind; and will therefore be found to be Grievances in every War we can be engaged in, unleſs the ſame Methods be taken for preventing them, that were then taken for removing them. In public Offices, the Officers will extort Fees and Perquiſites from thoſe that are obliged to have recourſe to that Office, and will detain in their own Hands the Money that goes through their Office, as long as they can, in ſpite of all the Care that can be taken to prevent it; therefore no ſuch Office ſhould ever be eſtabliſhed or kept up, if the public Buſineſs can be carried on without it. The public Service may be a Motive with ſome Men for attacking the Enemy's Privateers; but the Public is generally beſt ſerved, when Men know that they ſerve themſelves by ſerving the Public; and therefore, Care ſhould be taken to join theſe two Services together in every Caſe where it is poſſible. Thus

we

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we may ſee, that both the Grievances that were felt in the laſt War proceeded from the Nature of Mankind, and conſequently muſt be felt in this War as well as they were in that. What then ſhould hinder us from taking the ſame Methods now to prevent them that were then taken to remedy them? Thoſe Methods were then found to be effectual, and to be attended with no Inconvenience; and therefore it may, with much more Propriety, be aſked, what ſhould make us now more ſhy of aboliſhing any of the diſcretionary Powers of the Crown, than we were at that Time? The Heavineſs of that War, Sir, might have been made uſe of as an Argument for being cautious of diminiſhing any of the diſcretionary Powers of the Crown, becauſe in Time of War, the more abſolute a Government is, the more vigorouſly, and the more expeditiouſly it may exert its Strength; but thoſe, we had the good Luck to have at that Time in our Adminiſtration, judged better. They were not ſo fond of diſcretionary Powers as to oppoſe any Diminution, they ſaw would contribute towards encouraging our Seamen to execute their Orders with Vigour and Alacrity. The Burden of the War, I ſay, Sir, might have then been inſiſted on more properly than now; and our Miniſters might then, as well as now, have endeavoured to recommend themſelves to our County Electors by an affected Compaſſion for the Burdens thrown upon the Land-holders. But they ſcorned to amuſe any Sett of Men in the Kingdom with ſuch frivolous and ſhallow Pretences. If they had, I am ſure, we ſhould have acquired no ſuch Glory as we did by that War, and the Nation might have been put to a much greater Expence, by being much longer engaged in it; for the more vigorouſly a War is proſecuted, the ſooner it will be brought to a Concluſion; and if, by applying to the preſent Eaſe of the People, what ſhould be applied to the Encouragement of thoſe employ'd in proſecuting the War, we ſhould make it endure but for one Year longer than it would otherwiſe have done, the People will always find themſelves Loſers by the Favour pretended to be done them, beſides the Danger the Nation may be expoſed to by a languid Proſecution of the War, and the Loſs our Trade muſt ſuffer, by not putting ſo ſpeedy an End to it as we might have done.

'It is certain it is acknowledged, even by thoſe who oppoſe this Motion, that our Seamen at preſent ſhew an Averſion to his Majeſty's Service. Let that Averſion proceed from what it will, we ought to endeavour to remove it. To aſſure them, by Act of Parliament, of the Property

Property of every Thing they take from the Enemy, and to free them from the Plague of dancing Attendance through an Office for the Recovery and Diſtribution of that Property, will certainly contribute in ſome meaſure to remove that Averſion; and in framing the Bill, perhaps, ſome new and additional Means may be thought of; therefore, I am aſtoniſhed to hear a Motion for ſuch a Bill oppoſed by thoſe, who complain ſo much of a Want of Seamen for his Majeſty's Ships of War. But I am ſtill more aſtoniſhed to hear them oppoſe it upon a Pretence, that no ſuch Bill ought to be brought in without a previous Meſſage from the Crown for that Purpoſe. What a dangerous Doctrine this is, every Gentleman muſt be ſenſible of, that conſiders the Nature of the Bill. It is a Bill for altering, nay for aboliſhing one of the Prerogatives of the Crown; and ſhall it be admitted in this Houſe as a Maxim, that we can make no Alteration with regard to any of the Prerogatives of the Crown, unleſs we have Leave to do ſo, by a previous Meſſage from the Crown? I hope no Gentleman will inſiſt upon the Neceſſity of our having any ſuch Leave. I hope it will be unanimouſly admitted, that all the Prerogatives of the Crown are under the Cognizance of Parliament, and that any one of them may be altered, reſtrained, or quite aboliſhed by Act of Parliament, when the public Service, or the Safety of our Conſtitution requires it. Sir, if I were againſt the Bill, I ſhould be for the Motion, if it were for no other Reaſon, but becauſe this has been made uſe of as an Argument againſt our agreeing to it; for I ſhould be afraid, leſt a ſeeming Approbation of ſuch an Argument ſhould be afterwards made uſe of as a Precedent for eſtabliſhing ſuch a Maxim. But as I am for the Bill, I have a two-fold Reaſon for agreeing to the Motion; and as I think it neceſſary in our preſent Circumſtances to bring in the Bill as ſoon as poſſible, I ſhall be againſt poſtponing the Motion upon any Pretence whatſoever: For if there be ſuch Difficulties as have been repreſented, in framing a proper Bill for the Purpoſes intended, thoſe Difficulties can be no way augmented by an Order for bringing it in. Such an Order will awaken the Attention of the Nation, and may probably bring in Aſſiſtance from thoſe without Doors, which we cannot expect till we have once ordered the Bill to be brought in; and the ſooner it is ordered to be brought in, and Perſons appointed for that Purpoſe, the ſooner thoſe Difficulties will be got over; for till then, the ſolving of thoſe Difficulties may be ſaid to be every Man's Buſineſs, and we all know, that what is Everybody's Buſineſs is Nobody's Buſineſs.

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I cannot, indeed, ſee any of the Difficulties the Honourable Gentleman ſuggeſted: We have a Plan before us in what was done laſt War. Beſides, the whole Affair was fully conſidered, and a Bill actually framed and brought into this Houſe, two Years ago: I wiſh that Bill had been then paſſed into a Law: If it had, we might not now have been at War. At leaſt, we ſhould have found leſs Difficulty in getting Seamen to man our Fleet at the firſt breaking out of the War; and I cannot yet find out, that our paſſing it at that Time would have been attended with any Inconvenience.

'I am ſurprized, Sir, to hear the Honourable Gentleman ſay, that if the Bill had been then paſſed into a Law, our ſuffering Merchants could have expected no Share of the Prizes we have already taken. Surely he cannot forget, that the Bill was not to take Effect till ſeveral Weeks after his Majeſty's Declaration of War; therefore, it could no way relate to any of the Prizes already taken, or to any we ſhall take for ſome time to come. But ſurely, a Share in thoſe Prizes would have been of ſmall Account in Compariſon of the Advantage which the Nation would have gained by our paſſing that Bill, or the Advantage which the Merchants themſelves might have made, by aſſociating to fit out Privateers, or make Conqueſts by his Majeſty's Ships of War. For this Reaſon, Sir, neither the Honourable Gentleman, nor his Friends, can now have any Reaſon to exult in their having then thrown out that Bill; and if they now throw it out a ſecond Time, I believe, they'll find themſelves very much diſappointed, if they expect Thanks for ſo doing from our ſuffering Merchants, or from any Sett of Men in the Kingdom.'

William Pultney, Eſq;

SIR,

William Pultney, Eſq;

'As I did not expect an Oppoſition to my Motion, I, at firſt, avoided taking up your Time with ſaying any Thing in its Favour; but now it has been oppoſed by ſo many Gentlemen, and by Gentlemen of ſuch Weight, I hope I ſhall be indulged the Liberty of giving you my Reaſons for making it, and of adding ſomething to what other Gentlemen have done me the Favour to ſay by way of Anſwer to the Objections made againſt it.

'I freely own, Sir, that if I had not made this Motion, I ſhould have been mighty eaſy about delaying it for a few Days: I ſhould have moſt readily agreed to ſuch a Delay, if it had been for no other Reaſon but to oblige thoſe Gentlemen near me, who have always ſeemed fond of Delays with regard to every Meaſure that had the Face of War;

but as they have reſolved upon, and actually declared War, Anno 13 Geo. II. 1739.
ſince I laſt had the Honour to meet them in this Houſe; I preſumed, they had altered their Affections, and that they would now be fond of every Meaſure that might contribute towards a vigorous Proſecution of that War, they had at laſt agreed to declare. If I had but ſuſpected that it was otherwiſe; or, if they had any Way ſignified their Deſire to me, before I made my Motion, I ſhould have waved it for a few Days; but now it is made, I cannot part with it; becauſe, as an Honourable Gentleman has already obſerved in this Debate, the poſtponing of it, after it has been once moved, will be looked on without Doors, as putting a Negative upon it; and this in our preſent Circumſtances may be attended with moſt terrible Conſequences.

'If the Motion be popular, Sir, I am glad to hear it: It is, in my Opinion, a very ſtrong Proof of its being right; but I did not make it with any View of Popularity, and ſhould have been glad to have ſhared the Popularity of it with the Honourable Gentleman near me, and with every Member of this Houſe; which would have been the Caſe, if it had not been oppoſed. It will ſtill in ſome meaſure be the Caſe, if it happens to be agreed to; becauſe it will then be the Act of the Houſe, and every Member will have a Share of that Popularity which may be acquired by it. But I muſt think the Conduct of ſome Gentlemen, who generally agree in Opinion, very ſingular upon this Occaſion. Some of them ſay, the Bill I have propoſed is ſo right and ſo popular a Meaſure, that we ought to allow the Crown to have the Credit of propoſing it; whilſt others riſe up and tell us, that it is quite wrong, that it would be an unneceſſary and dangerous Incroachment upon the Prerogatives of the Crown, and that it would be doing an Injuſtice to our ſuffering Merchants, to our Land-holders, and to the People in general.

'Theſe two Methods of arguing, I profeſs, Sir, I do not know how to reconcile. If we ſhould reſolve to poſtpone the Motion, and wait for a Meſſage from the Crown, I am afraid, it would occaſion a Diviſion in his Majeſty's Councils; and therefore, to preſerve the uſual Unanimity there, I believe it will be the beſt Way for us, not to wait for ſuch a Meſſage, but to enter immediately into the Merits of what I have propoſed, and if it be right, agree to it. For this end, I ſhall lay before you the Reaſons that induced me to make this Motion, and anſwer ſome of the Objections that have been made to it. In the late War, Sir, I mean that in the late Queen's Time, we had ſo great

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Succeſs, and gained ſo much Glory, that I thought the beſt Thing we could do in the preſent War would be to conſider our Conduct in that War, in order to make it a Rule for our Conduct in this. With this View, Sir, as ſoon as I thought that a War with Spain was become unavoidable, which was above two Years ago, I began to recollect the ſeveral Steps that had been taken for carrying on the late War. One of the Supports we had in that War, I mean a powerful Alliance upon the Continent, I foreſaw, we could hardly expect in this, and that therefore it would be neceſſary for us to make the beſt Uſe of our own Strength. Among the other Methods taken in the laſt War for exerting our own Strength, I obſerved, that two Laws had been made for encouraging our Seamen to do their Duty; and for encouraging private Men to join together in Societies for attacking and making Conqueſts upon the Enemy. As theſe Laws were made to continue only during that War, I thought it would be neceſſary to revive them in caſe of a new War with Spain; and for this Purpoſe I did, with the Aſſiſtance of ſome other Gentlemen, bring in a Bill two Years ago. The Bill was then rejected, becauſe we were not come to an actual Rupture; but that Objection being now removed, I thought it incumbent upon me to offer my Bill again to the Houſe; and for this Purpoſe I made you the Motion now under your Conſideration.

'To encourage our Seamen to do their Duty, and to encourage even private Men at their own Expence to attack and diſtreſs the Enemy, muſt neceſſarily contribute greatly to a vigorous Proſecution of the War; and if it be vigorouſly proſecuted, it cannot be of long Duration. Sir, as the Affairs of Europe are at preſent circumſtanced, our very Being depends upon bringing this War to a ſpeedy Concluſion. There is a Spirit of late Years raiſed in every Nation of Europe for improving their Trade, Navigation, and Manufactures. All the Powers of Europe, except Spain and us, are now at Peace amongſt themſelves: Our two great Rivals in Trade, the Dutch and French, are in perfect Tranquillity. What then will become of our Trade, if by a languid Proſecution of the War, we allow it to be interrupted for ſeveral Years by Privateers under Spaniſh Colours, whilſt our Rivals in Trade are carrying on theirs without any Diſturbance? By the Difference of Freight and Inſurance, they will be enabled to underſell us, and in a few Years to turn us out of every Market in the known World. Thus our Trade muſt be undone, unleſs by a vigorous Proſecution we bring Spain to a ſpeedy Compliance.

Spain

Spain has no Trade to loſe: She has no Trade to be interrupted, but that between one Part of her own Dominions and another; and this Trade may be ſuſpended, but cannot be loſt by the Interruption. The Spaniards therefore can loſe nothing by the Continuance of the War, but what we take from them; whereas We may be undone by a long Continuance, even tho' we ſhould be ſucceſsful againſt the Enemy. It is therefore our Buſineſs to take every Method that can be thought of for bringing the War to a ſpeedy, as well as honourable Concluſion; and in the mean Time, to take as much Care as poſſible to prevent our Trade's being interrupted by the Enemy's Privateers. Anno 13. Geo. II. 1739.

'Nothing can be more effectual for preventing the Interruption of our Trade, than to encourage our Seamen by a pecuniary Reward, to be diligent in looking out for, and alert in attacking the Enemy's Privateers, wherever they can be met with; and as the Enemy muſt have their Treaſure brought from the Weſt-Indies to Spain in ſtraggling Ships, (for they cannot have it in Fleets or Squadrons) one of the beſt Ways we can take for diſtreſſing them, and thereby compelling them to agree to reaſonable Terms, will be to intercept and take as many of theſe Ships as we can. What can be more effectual for encouraging our Seamen to be diligent in cruizing, and looking out for theſe Ships, than that of aſſuring them, by Act of Parliament, that all they take ſhall be their own?

'But, Sir, as this will not of itſelf be effectual enough for forcing Spain to a ſpeedy Compliance; and as it is incumbent upon us to think of gaining ſome national Advantage by the War, in order to compenſate the great Expence the Nation muſt be put to in carrying it on; and moreover, as no ſuch Advantage can be gained, but by attacking and poſſeſſing ourſelves of ſome of the Spaniſh Settlements in America; we ought to think betimes of carrying ſuch Projects into Execution. I do not ſay, that we ought to think of conquering and holding the whole Spaniſh America; but if we ſhould take Poſſeſſion of the whole, or greateſt Part, which, I believe, is far from being impoſſible, we might pretend to hold it till the Court of Spain agreed to give us Satisfaction for all paſt Injuries, and Security againſt all future. Nay, we ought to inſiſt upon keeping Poſſeſſion of ſome Parts of the Weſt-Indies, and upon having the abſolute Property of them yielded to us, not only as a Compenſation for the Expence we have been and may be at, but as a Security for our Trade in Time to come. As long as we keep to a naval War only, the

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the Spaniards can be no great Sufferers by it: On the contrary, I believe, they will always be Gainers, let us take what Care we will. But if we ſhould once turn them out of the whole, or a great Part of their Poſſeſſions in America, they would then immediately ſubmit to any Terms we ſhould propoſe, in order to have that Poſſeſſion reſtored. I am ſorry to find that no Meaſures were concerted for this Purpoſe, before we began Hoſtilities againſt them; for by the Execution of ſuch Meaſures we ought in good Policy to have opened the War. It is by theſe Means alone we can force them to a ſpeedy and honourable Peace: It is by theſe Means alone, we can procure any Security for our Trade in Time to come; and it is by theſe Means alone, we can propoſe to get any Compenſation for the Expence we muſt be at in the Proſecution of the War.

'If this be the Caſe, Sir, and that it is, muſt, I think, appear evident to every Gentleman that conſiders the Circumſtances of the two Nations, ought we not to encourage private Men to aſſiſt the Public by endeavouring to make Conqueſts upon the Spaniards in America? Would it not be of great Service to any public Expedition we may undertake, to have a Sett of private Adventurers attacking the Enemy in one Place, whilſt his Majeſty's Squadrons and Armies were attacking them in another? Does not this ſhew the Expediency of reviving that Law which was made in the late Queen's Time, for encouraging private Adventurers to attack and make Conqueſts upon the Enemy in the Weſt-Indies? It had then no great Effect, becauſe People that had Money made ſo much by turning it in the public Funds, that no Man thought of putting his Money to any other Uſe; but as that Trade is now, thank God! not near ſo gainful as it was then, if this Law be revived, the War proſecuted with Vigour by the Public, and our Councils directed by thoſe upon whom the People may depend, I am convinced, the Law will now have a much better Effect. We have all the Reaſon in the World to expect, that private Adventurers will unite for making Conqueſts upon the Enemy, if they be convinced, that we are ſerious in carrying on the War; and that after they have been at a great Expence, they ſhall not be prevented in their Attempts by an unſeaſonable Suſpenſion of Arms, nor their Conqueſts ſacrificed by a diſhonourable Convention.

'We may remember, Sir, that ſoon after the Revolution there was a Corporation eſtabliſhed in the Northern Part of this Iſland, for making a Settlement in a Part of America, which the Spaniards pretend to belong to them, tho' they never had, nor have now, the leaſt Right or Title

to

to it. That Corporation did accordingly make their deſigned Settlement, after having by fair Purchaſe got a good Title from the Natives to whom it belonged; and, I believe, they would have kept Poſſeſſion in ſpite of the Spaniards, if a very prepoſterous Sort of Jealouſy and Envy had not at that Time poſſeſſed us in this Part of the Kingdom. Whilſt the two Crowns were diſunited, I do not wonder that there was a mutual Jealouſy between the Southern and Northern Parts of this Iſland; but after the two Crowns came to be united, I cannot comprehend, how a Diſunion and Jealouſy ſtill ſubſiſted between the two Nations. Two Nations inhabiting the ſame Spot of Earth, and that Spot diſtinct and ſeparated from all other Parts of the Earth, ought ſurely to have united, and to have removed all Sorts of Jealouſy, as ſoon as poſſible; that the Northern Part might not be left as an Inlet for an Invaſion upon the Southern; and yet, I do not know how that Jealouſy remained for ſome Time after the Revolution, and was the Cauſe of defeating that Project, which would now have been of great Advantage to the whole Iſland. If the Bill I have propoſed ſhould paſs into a Law, that Society may again revive, and may be encouraged to take Poſſeſſion of what belongs to them. I am convinced, they would now be powerfully aſſiſted by the People in this Part of the Iſland; and, I hope, our Government would likewiſe give them all proper Encouragement and Aſſiſtance. Anno 13. Geo. II. 1739.

'From what I have ſaid, Sir, I hope it appears, that the Bill I have propoſed to be brought in muſt contribute greatly towards a vigorous Proſecution of the preſent War, and conſequently towards procuring us a ſpeedy, an honourable, and an advantageous Peace. This was the Reaſon that induced me to move for its being brought in; and my Reaſon for making this Motion ſo early, proceeded from the great Diſtreſs we are in for want of Seamen, and the Unwillingneſs they generally ſhew to enter into his Majeſty's Service. That we are in a very great Diſtreſs for want of Seamen, will not, I believe, be denied even by thoſe who have the Honour to be employ'd in our Adminiſtration; for they would not ſurely have put ſuch a Stop to our Trade by Preſſing and Embargoes, if a ſufficient Supply for his Majeſty's Navy could have been got by any other Means. This Diſtreſs, Sir, I think it no very difficult Matter to account for. Our Seamen have for theſe twenty Years been not only neglected, but ill-treated. They have been upon every Occaſion, and often without Occaſion, preſſed and hawled like Slaves on board our Men of War, without allowing them ſo much as the Liberty

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berty of chuſing which Captain they would ſerve under. They have been diſcouraged from entering into his Majeſty's Service by ſending them upon Expeditions with ſuch Inſtructions, as ſometimes expoſed them to great Dangers and Hardſhips, and at all times diſabled them from gaining either Riches or Renown. They have been often diſmiſſed, before their Wages would anſwer the Charge of fitting themſelves out; and they have been diſmiſſed at Ports, from whence they had many Miles to travel on Foot, perhaps without a Penny in their Pocket, before they could come at any Place where they could expect to get into the Merchant-Service, or into any other Buſineſs. Theſe, and many other Hardſhips put upon them, drove ſome into foreign Service, made others leave the Sea, and betake themſelves to ſome Employment at Land, and diſcouraged all in general from breeding themſeves or their Children to the Sea-Service. By theſe Means, our national Stock of Seamen, if I may ſo expreſs myſelf, has been greatly diminiſhed; and thoſe that remain, have been made to conceive ſuch a Diſtaſte of his Majeſty's Service, that we find, they often run the Riſk even of Death itſelf rather than be forced into that Service.

'From theſe Cauſes, Sir, our preſent Diſtreſs for want of Seamen proceeds; and as I think the Bill intended by this Motion will be a great Encouragement to Seamen, and likewiſe to Landmen, to enter into his Majeſty's Sea-Service, I reſolved to move as ſoon as poſſible for its being brought in, becauſe I was, and am ſtill convinced, that the very Motion for bringing in ſuch a Bill, if it be agreed to, will contribute not a little towards removing our preſent Diſtreſs; but if it ſhould be either refuſed or poſtponed, I ſhall be extremely ſorry for having made it. It will diſſpirit thoſe Seamen that are already in the Service; it will prevent our Seamen that are Abroad from having any Thoughts of returning Home; and it may probably make ſome of thoſe that are now at Home fly into foreign, that they may not be preſſed into his Majeſty's Service.

'Having thus, Sir, laid before you ſome of the chief Reaſons that induced me to make this Motion, and to make it ſo early, I ſhall next take Notice of ſome Objections that have been made againſt it; and I muſt ſay, I was a little ſurprized at the firſt that was made. As I was conſcious of the Innocence of my Intentions, I could not but be ſurprized at my being accuſed of ſhewing a ſort of Diſreſpect to the Crown, by moving for ſuch a Bill without a previous Meſſage from the Crown for that Purpoſe. I am no Miniſter, Sir; I have no Share in any of his

his Majeſty's Councils, and therefore I cannot certainly know what may be agreeable to the Crown; but as a Country Gentleman and a Member of this Houſe, I ſuppoſed, that a Bill for promoting the Service of the Crown could not but be agreeable to the Crown; and I could not ſuppoſe, that in ſuch a Caſe it was neceſſary to wait for a Meſſage; eſpecially when I conſidered, that Bills of the ſame Nature had before been brought in and paſſed into Laws, without any previous Meſſage from the Crown. Nay, the very Bill now intended was brought in two Years ago without any ſuch Meſſage, and not the leaſt Complaint made againſt it on that Account. The offering ſuch a Bill at that Time, might perhaps by ſome be thought premature; but now it muſt be agreeable to every one who wiſhes to ſee the preſent War vigorouſly proſecuted, and honourably and ſpeedily concluded; and for this Reaſon, I am ſure, it will be agreeable to his Majeſty, if the Intention of the Bill be honeſtly and fairly repreſented to him, whatever it may be to ſome of thoſe who have a much more free Acceſs to him than I have. Anno 13, Geo II. 1739.

'So much I thought myſelf obliged to ſay, Sir, in my own Vindication; and as this Objection has already been ſhewn to be nothing but a Pretence, I have no Occaſion, I think, to take any farther Notice of it. The other Objections are of a different Nature: They are Objections againſt the Bill itſelf, as well as againſt the Motion; and were chiefly inſiſted on by the Honourable Gentleman that ſpoke laſt on the other Side of the Queſtion. Thoſe that ſpoke before him, inſiſted principally upon the Unſeaſonableneſs of the Motion; but he threw aſide all Diſguiſe, and directed his whole Artillery againſt the Bill itſelf; and therefore, I muſt add a little to what has been extremely well ſaid by my worthy Friend that ſpoke laſt, by way of Anſwer to his Objections.

'The Honourable Gentleman endeavoured, Sir, to ſhew a Difference between our preſent Circumſtances, and the Circumſtances we were in, when ſuch a Bill as this was paſſed in the late Queen's Time. Does he think, that if the Grievances which were afterwards felt, had been foreſeen at the Beginning of that War, thoſe Bills would not have been brought in and paſſed the very next Seſſion after that War broke out? The Inconveniences he has mentioned, would not, I am ſure, have been thought of any Weight by that Adminiſtration, whatever they may be by this. The Difficulty about Goods put on board an Enemy's Ship before the Declaration of War, or within the Time limited by Treaties, has already been fully anſwered;

Anno 13, Geo. II. 1739.

and as to the Difficulty about Inſurance, I believe, all the Spaniſh Ships, upon which any Inſurance was made before the End of May laſt, are now arrived at their deſigned Ports. If the Inſurance was made ſince that Time, the Inſurer ought to ſuffer; becauſe it was then evident that there would be a Breach between Us and Spain: But in order to remove this Difficulty, and to gain the Honourable Gentleman's Approbation of what I propoſe, which I believe is extremely neceſſary for ſecuring its Succeſs, I ſhall be ready to agree, that the Bill ſhall not commence or begin to take Effect, till ſo many Weeks in Europe, and ſo many Months in America after his Majeſty's Declaration of War, as are ſtipulated by Treaties between us and any of our Friends, or Allies.

'As for our Merchants, Sir, that ſuffered by the Spaniſh Depredations in time of Peace, I wiſh we had ſhewn a proper Compaſſion for them ſeveral Years ago: If we had, I am ſure they would not have ſuffered ſo much; and they might probably have got full Satisfaction before this Time. But when we are thinking of ſhewing Compaſſion for thoſe that have ſuffered by our peaceable Meaſures, we ought to think of ſhewing Compaſſion for our Merchants and Trade in general, which muſt ſuffer and may be undone by a long Continuance of the War. If we do this, we ſhall think of nothing but of putting a ſpeedy and honourable End to the War. This ought to be our principal Aim: and if we allow ourſelves to be diverted from this, by a Regard for any Thing elſe, we may probably find ourſelves diſappointed of both, which, in the end, will be a much greater Loſs even to our ſuffering Merchants, than the Advantage they can reap by having a Share of ſuch Prizes as may be taken during the War. And as to our Land-holders, or any other Set of Men in the Kingdom, that may be relieved by applying a Part of the Prizes towards defraying the Expence of the War. If the Hon. Gentleman has a real Concern for their Relief, and for relieving them in ſuch a Way as may not interrupt our Proſecution of the War, he ſhould agree to this Bill; becauſe it may be the Cauſe of the War's being carried on principally at the Expence of private Men. It is remarked by all Hiſtorians, as a Piece of good Conduct in Queen Elizabeth, that ſhe often got her War againſt Spain carried on at the Expence of private Adventurers, who did infinite Miſchief to the Enemy, without putting that wiſe Queen to any other Expence, than that of lending them a few of her Ships of War. But I queſtion much if this Example will be followed in the preſent War; for ſome People are ſo fond

fond of touching public Money, that they are, I believe, afraid leſt any Money ſhould now be laid out in the Proſecution of the War, that does not paſs through their Fingers. Anno 13, Geo. II. 1739.

'I believe, no Man will doubt of my rejoicing in the Succeſs we have already had in the War; but I muſt obſerve, Sir, that if it had been begun, as it was either in Queen Elizabeth's, or Oliver Cromwell's Time, our Succeſs might probably have been much greater. We might have been by this Time in Poſſeſſion of ſome of the Enemy's Provinces, as well as ſome of their Ships; and if proper Care had been taken, I am ſure, they could not have been in Poſſeſſion of ſo many of our Merchant Ships as they are; for, notwithſtanding the Succeſs we have had, I believe, they are pretty equal with us upon the Balance, at leaſt in the Seas of Europe, whatever they may be in thoſe of America; for as that Part of the World is not ſo immediately under the Influence of our domeſtic Councils, I do not know but that the War may be carried on there with a little more Vigour. But whatever Prizes we may meet with, either in the Seas of Europe or America, I am for giving the whole to the Captors, let it be of what Value it will. Whoever has it, it will be ſo much taken from the Enemy, and added to the Wealth of this Nation; for whatever belongs to private Men, belongs to, and may be reckoned a Part of the public Stock of the Nation. If it be divided among our Seamen, it will ſoon circulate, and if conſiderable, may contribute to reduce the Intereſt of Money, which will be an Advantage to our Trade in general, and to every private Man in particular, except Uſurers and Pawn brokers. Suppoſe ſome of our Seamen ſhould by a rich Prize get great Fortunes, and ſhould take ſuch Care of what they get, (which is ſeldom the Caſe) as to prevent their going to Sea any more: Inſtead of diminiſhing, it would increaſe our Number of Seamen; for if we ſhould loſe 2 or 300 Seamen by ſuch a lucky Accident, their good Fortune would ſend 10,000 to Sea in their Room; ſo that the Nation can no way ſuffer by giving the whole of every Prize to the Captors, and it will contribute a great deal towards a vigorous Proſecution of the War.

'However, Sir, as I am willing to gain at any reaſonable Rate the Honourable Gentleman's Approbation to a Bill, which I think ſo neceſſary in our preſent Circumſtances, if he thinks it too much to give the whole of a Galleon or Regiſter Ship to the Captors, we may eaſily guard againſt this Inconvenience by excepting ſuch Ships

Anno 13, Geo II. 1739.

out of the Bill, which I ſhall, for the ſake of having his Concurrence, agree to; tho' I think it not quite ſo right, becauſe I am afraid, it may be the Cauſe of ſome of thoſe Ships eſcaping, when they might otherwiſe fall into our Hands; which will be a double Loſs to us, by preventing our adding to our own Wealth, and by adding to the Wealth of our Enemies, whereby they will be enabled to continue the War longer, or to proſecute it with more Vigour againſt us.

'I ſhall readily grant, Sir, that, notwithſtanding the beſt Meaſure we can concert, and the utmoſt Care we can take, many of the Enemy's Ships may eſcape us by various Accidents at Sea; but this, in my Opinion, ought to be an Argument for our giving the greater Encouragement to our Ships of War to be diligent in cruizing, and watchful in looking out for them; and therefore, I think, our giving the whole of every Prize as an Encouragement to the Captors, is the beſt Uſe that can be made of thoſe Prizes we may have the good Luck to meet with. To this I muſt add, Sir, that this Uncertainty of meeting with their Ships at Sea ought likewiſe to be an Argument for our reſolving to attack them at Land, as well as Sea; and that therefore, in order to ſave the public Expence as much as poſſible, we ought to encourage private Adventurers to attack and make Conqueſts upon them at Land. So that this Uncertainty, inſtead of being an Argument againſt the Bill, is in every reſpect an Argument in its Favour.

'Thus, Sir, I hope, I have fully anſwered every Objection againſt the Bill, that was not before ſufficiently removed: I hope, I have ſhewn, that the Objections are ſuch as do not in the leaſt affect the Motion, becauſe they may be effectually removed by proper Clauſes and Expreſſions in the Bill; and therefore, if a Negative ſhould be put upon this Motion, I ſhall look upon it, I believe moſt Men will look upon it, as a moſt terrible Omen with reſpect to our future Conduct in this juſt and neceſſary War. To moſt People without Doors it will be a Confirmation of what his Majeſty has been pleaſed to tell us in his Speech from the Throne. They will from thence conclude, that his Majeſty has ſecret Enemies, not only at Home, but in his own Councils; and I wiſh the Obſtinacy of Spain, and the Conduct ſhe has of late Years dared to hold towards us, may not be more owing to this, than to thoſe Diviſions and Animoſities that ſubſiſted amongſt us before the War broke out; for as thoſe Diviſions and Animoſities were entirely owing to ſome of our People's ſhewing too great a Fondneſs for Peace, ſhe could from thence expect no Advantage after

after a Declaration of War, unleſs ſhe had Reaſon to believe that thoſe very People would betray us into an imprudent, puſilanimous, and deſtructive Method of proſecuting the War, in order to juſtify, by our Misfortunes and Want of Succeſs in War, the Fondneſs they had before ſhewn for an infamous and ruinous Peace. Anno 13, Geo II. 1739.

November 26. This * Bill being read a firſt time, Horatio Walpole, Eſq; ſpoke as follows: Debate on the firſt reading the Bill.

SIR,

'I ſhall very readily own, that it may be neceſſary to paſs a Bill of this kind at the preſent Juncture; but I think at the ſame time no Bill ever was brought in ſince I had the Honour to ſit in this Houſe, which deſerves a more mature Deliberation. Gentlemen, I obſerved in the laſt Debate upon this Bill, talked of it, as a very right Thing to bring in ſuch a Bill, becauſe the like was brought in and paſſed three or four and thirty Years ago. But Gentlemen will pleaſe to conſider that there is a great Difference betwixt that Juncture and the preſent. We had then been at War with Spain and France for ſeven or eight Years; at preſent we have not been at War with Spain above ſo many Weeks; and we are as yet at Peace with France. Now, Sir, tho' I know that Gentlemen ſay upon this Head, We have no Reaſon to be afraid of France; we are at War with Spain, and we will diſtreſs her every way we poſſibly can; I ſay, Sir, tho' this is the Language of Gentlemen upon this Occaſion, I can by no means agree that we ought always to do in Prudence what we may do with Juſtice. I am afraid, Sir, that tho' by Treaties with Spain all other Nations are precluded from having any Concern in their Treaſure, that Practice and Cuſtom have eſtabliſhed a kind of Right, at leaſt, Sir, they have come to look upon it as a Right, to a Share in the Treaſure of the Plate Fleet. It is no Secret, Sir, that the French have thought this Right ſo well eſtabliſhed, that they have actually claimed their Shares by Memorials at this Court, when a Part of that Treaſure fell into our Hands while we were at War with Spain. Now, Sir, tho' I am far from being of Opinion that we ought not to diſtreſs Spain for fear of France, yet I think we ought by no means to provoke France wantonly, without being able to diſtreſs Spain the more. The French, as I am informed by People who know very well, have ſeven in nine Parts of the Galleons that center with them, and moſt Part is actually their own Property before it is landed in Spain. —— We are now at War with Spain —— We paſs this Bill —— We fix Horatio Walpole.

* *Never before printed.*

Anno 13, Geo II. 1739.

fix a limited time for its taking Effect, as by the Nature of all our Treaties we muſt. What is the Conſequence, Sir? Why the Conſequence is, that France will look upon this Bill as affecting her more than it does Spain; ſhe will look upon it as a kind of Trap laid by the Parliament of Britain for intercepting her Property; for I obſerve that, by this Bill, the Crown has no Power to reſtore any Part of the Treaſure taken by our Ships, even tho' it ſhould be proved to belong to France or Holland; nay, tho' it ſhould belong to our own Subjects. Don't Gentlemen apprehend that this muſt alarm France? Suppoſing at the Time the Bill takes Effect the Galleons are coming Home, and our Ships intercept them; every Shilling of the Money there muſt fall to the Sailors and Crews of our Ships. Neither the French, the Dutch, nor in ſhort any body can reclaim a Farthing of it. How would this Nation, how would our Neighbours take it? Would not our Merchants think that ſome Part of it ſhould repair the Loſs they have ſuſtained from Spain? Would not our Neighbours think that it was little better than robbing of them? Conſider, Sir, that the ſhort time ſince this War has been declared, has not given them any Opportunity of taking theſe Precautions with regard to Spain, that they might and certainly would otherwiſe have taken; and I believe, if the Caſe were our own, we ſhould think ourſelves very hardly uſed. Therefore, Sir, tho' I don't ſay but that this is a right Bill, I think Gentlemen ought to conſider whether it is not wrongly timed. We are to conſider, Sir, whether ſome Part of the Money which may be taken from the Enemy may not be better applied; nay, whether our ſuffering Merchants have not a juſt Claim to ſo much of it as may repair their Loſſes. We are likewiſe to conſider, whether our paſſing this Bill may not loſe you a great Number of your Seamen, by making them too rich to go to Sea; for I remember to have heard my * honourable Friend who ſits by me ſay, that if at the Time he took and deſtroyed the Galleons in America, he had done it but ſix Weeks later, by which Time the Bill for encouraging the Trade to America would have taken Effect, that his Share of the Prizes muſt have amounted to half a Million of Money.'

Mr. Pulteney,

SIR,

William Pulteney, Eſq;

'I think all the Conſiderations that the honourable Gentleman has talked of, can no way affect this Bill. If there

* *Sir Charles Wager.*

there is any thing in them, the proper Time for the honourable Gentleman to mention them, is when the Bill ſhall be committed. I don't ſay, Sir, but that this Bill may receive great Amendments in the Committee; I dare ſay I ſee † ſeveral Gentlemen over the way who are capable of giving us great Lights how to make the Bill a uſeful one. Anno 13, Geo II. 1739.

'As to what the honourable Gentleman has ſaid with regard to France, I think I remember, Sir, ſomewhat of an Article in one of our Treaties that the French ſhall not accept of any Trade to the Spaniſh Weſt Indies. I think, Sir, it is high time for us now to take Care that they may have as little as poſſible. The honourable Gentleman behind us has mentioned ſome Conſiderations; let me in my turn beg leave that Gentlemen will conſider what we are doing, if we don't check any Power that ſhall trade to the Spaniſh Weſt Indies. Why, Sir, if we don't, we put it in their Power to bring Home their Treaſures, and to carry on their Trade in the Bottoms of neutral Nations; ſo that Spain can never feel the Misfortune of being at War with us, and our Neighbours may, at our Expence, bid fair for running away with all the Trade both in Europe and America. I could ſay a great deal more upon this Head, Sir, but I think it unneceſſary at preſent. If, when the Bill ſhall be committed, Gentlemen ſhall have any Objections to offer, I will do my beſt to clear them: In the mean time I hope, that nothing that has been yet thrown out that will prevent its being read a ſecond time.'

Mr. Corbet.

SIR,

'I own, I lie under ſeveral Difficulties with regard to the Bill; but as the honourable Gentleman who ſpoke laſt, ſaid that there will be an Opportunity of debating upon the Amendments that may be thought proper, in the Committee, I ſhall now mention but one; which one I cannot mention in the Committee. It is with regard to the Method of bringing in this Bill. Gentlemen have ſpoken a good deal of the Bill paſſed in the 6th of Queen Anne; and we have been told that this Bill is the ſame; but Gentlemen will pleaſe to conſider, that that Bill came before this Houſe in conſequence of the Crown's reſigning, and the Lord High Admiral of England's reſigning, previouſly, all their Share in the Captures. I don't tell Gentlemen that this was done in any formal Meſſage at the time when this Bill took Place; on the contrary, I believe, this Reſignation was Mr. Corbet.

† *The City Members.*

Anno 13, Geo. II. 1739.

was made three or four Years before: But if Gentlemen will give themſelves leave to conſult the Hiſtory of that Time, they will find ſuch a Ceſſion was actually made. Now, Sir, tho' there is at preſent no High Admiral, yet I conceive the Commiſſioners of the Admiralty have that Poſt in Truſt for any future Admiral; and I think they have a Right to take Care that his Privileges do not ſuffer; I am not ſure, Sir, but that they have a Right to be heard by Counſel upon this Point. In any ſhape I apprehend we ought to wait till we have a Meſſage from the Crown, which I am perſuaded we ſhall have if his Majeſty ſhall think that this Bill is of any Service to the Nation.'

Mr. Sandys, ‡

Sir,

Samuel Sandys, Eſq;

What has fallen from the Gentleman who ſpoke laſt, reduces this Point to this ſingle Conſideration, Whether it is in the Power of the Parliament of Great Britain to diſpoſe of the Property of Prizes taken from an Enemy; or whether they belong to the Crown or the Nation? Sir, I never thought that this could have admitted of any manner of Doubt; and I have looked over the Hiſtory of the Time the honourable Gentleman has mentioned, but I cannot find that this Houſe ever made any Application for leave to bring in this Bill. I can't find that either the Queen, or Prince George, who was then Lord High Admiral, were conſulted about it; I cannot find that any Meſſage or Speech was delivered, which could give them a better Right than they had before to diſpoſe of Prizes. The Parliament thought it a right Bill, they therefore paſſed it without conſulting either the Queen or the Admiral; and the Meſſage mentioned by the honourable Gentleman will be found upon your Journals to have had no manner of Influence upon their Proceedings at that time.'

The Bill was afterwards ordered to be printed; and having paſſed both Houſes, received the Royal Aſſent.

Debate on raiſing a Body of Marines.

The 27th the Houſe proceeding to take his Majeſty's Speech into farther Conſideration, Mr. Sandys expreſſed himſelf as follows:

Sir,

Samuel Sandys Eſq;

'His Majeſty, in his Speech from the Throne, having been ſo gracious as to tell us, that he had called us together, at

‡ *Since Chancellor and Under-Treaſurer of the Exchequer, and one of the Lords of the Treaſury; on the Reſignation of Sir Robert Walpole, (Earl of Orford.)*

at this time, ſooner than has been uſual of late Years, that he might have the immediate Advice and Aſſiſtance of his Parliament at this critical and important Conjuncture, I, from thence, thought it was the Duty of every Member of this Houſe, to conſider our preſent Circumſtances, and, if he could think of any thing that might contribute to our Succeſs in the preſent War, to lay it before the Houſe, that, in caſe it ſhould be approved of, it might be offered as the Advice of this Houſe to his Majeſty. Anno 13, Geo. II 1739.

'For this Reaſon, Sir, I hope I ſhall ſtand excuſed, in what I am to offer to your Conſideration; for, I think, no Gentleman can be accuſed of Preſumption, when he does no more than what is his indiſpenſable Duty, and what his Majeſty has told us he expects from us, as Members of this Houſe. We have already in one Inſtance anſwered his Majeſty's Expectations. We have laid before him the Advice of his Parliament, with reſpect to the Concluſion of the War. What I am to offer, relates to the Method of conducting it. If the Advice I am to offer be approved of by this Houſe, I am convinced it will be followed by his Majeſty; and if it be followed, it will contribute towards the War's being brought to that Concluſion which we have adviſed his Majeſty to aim at.

'In the Proſecution of this War, Sir, there are two Things chiefly to be regarded. That is, the carrying it on in ſuch a manner, as may be moſt effectual for compelling the Enemy to ſubmit to reaſonable Terms of Peace, and leaſt burdenſome, and leaſt inconvenient to ourſelves.

'From this Conſideration, Sir, I cannot but highly approve of what his Majeſty has likewiſe been pleaſed to communicate to us from the Throne: I mean the raiſing of a Body of Marines. At the Beginning of every War we muſt neceſſarily be in ſome Diſtreſs for want of Seamen; becauſe in Time of Peace, no more Men will breed themſelves up to Sea, than are neceſſary for ſupplying the Merchant-Service, and the few Guard Ships and Men of War we keep in Commiſſion in a Time of profound Tranquillity; which muſt of courſe occaſion a Deficiency of Seamen when a War firſt breaks out; eſpecially after the Nation has been, for a great Number of Years, in a continued State of Peace. This Deficiency, which proceeds from the natural Courſe of human Affairs, we can no way ſupply at the Beginning of a War, but by ſending a Body of Land-Soldiers or Marines, to ſerve on board our Men of War; unleſs we ſhould, for the ſake of ſupplying our Men of War with all thorough-bred Seamen, put an entire Stop to our Trade, which ought never

Anno 13, Geo. II. 1739.

to be done, but in the Caſe of imminent Danger from an impending Invaſion.

'This is a Danger, Sir, which is far from being the certain Conſequence of every War we can be engaged in; and therefore, at the Beginning of every War which is not attended with any ſuch Danger, as we have then no Occaſion for keeping up a large Body of Land Forces at Home, we ought to indulge our Trade, by ſending Land-Men, or Land-Soldiers, to ſerve as Marines on board our Men of War, in order thereby to leave a ſufficient Supply of expert Seamen for our Merchant-Service, and for carrying on our Trade; for, as it is not our Intereſt to make any Conqueſt upon the Continent of Europe, the Protection of our Trade is the only Motive, peculiar to ourſelves, that we can have for going to War; and it would be very ridiculous in us to carry on a War for the Protection of our Trade, in ſuch a manner as to deſtroy it. And this, of putting a great Number of Land Soldiers, by way of Marines, on board our Men of War, is the more prudent and the more neceſſary, becauſe, as few of our Merchant Ships carry more Men than are barely ſufficient for navigating the Ship, they can employ none but expert Seamen; whereas a Man of War does not require above one half, or one third, of her Complement, to be thorough-bred Seamen. With regard to the other half, or two thirds, as they are to be employed in Fighting, and are not neceſſary for navigating the Ship, Land-Men may, in a few Days, be made as fit for the Service, as the moſt expert Seamen whatever; and, if thoſe Land-Men be ſuch as have been bred to military Diſcipline, they will be better, and more uſeful for making Invaſions and Incurſions upon the Enemy at Land, than the moſt expert Seamen, very few of whom are ever bred to that ſort of Diſcipline, which is neceſſary to be obſerved in Land Engagements.

'Every Gentleman muſt therefore highly approve of his Majeſty's having reſolved to raiſe a Body of Marines; and the manner of raiſing this Body of Marines, is what I am now to propoſe to you for your Conſideration. In my Opinion, Sir, this Body of Marines ought to be raiſed by making proper Draughts out of the regular Regiments now on Foot in Britain and Ireland; becauſe, I think, a Body of Marines raiſed in this manner, will be more uſeful againſt the Enemy, and not only leſs expenſive, but more convenient to ourſelves, than a Body of raw, undiſciplined Men, newly raiſed for that Purpoſe. As the Spaniards have no Trade, and very few Ships at Sea, we cannot propoſe to force them to agree to ſuch Terms as we can ſafely or honourably accept

cept of, unleſs we attack them at Land, in ſome Part of their Dominions. I think we ought to attack them in every Part. When I ſay ſo, I do not mean, that we ſhou'd endeavour to make a Conqueſt of any Part of their Dominions in Europe; but, I think, we ought to have a Fleet, with 5 or 6000 Marines and Land Forces, continually hovering about the Coaſts of Spain, and making Invaſions at every Place where they can find a proper Opportunity; for, notwithſtanding the numerous Land-Army now kept up in that Country, they cannot have 5 or 6000 Men at every Place where our Troops may land, and therefore, with ſuch a Body of Land-Forces we may plunder and deſtroy many Parts of their Country, and keep their maritime Provinces in a continual Alarm; and, for this Purpoſe, I am ſure a Body of Marines drawn from our regular, and, I hope, well-diſciplined Regiments, will be much more ſerviceable, than a Body of Marines compoſed of raw and undiſciplined Men. Anno 13, Geo. II. 1739.

'As for the Spaniſh Dominions in America, Sir, I believe no Man queſtions but that we ought to attack them. Nay, we ought not only to attack them, but we ought to take and hold ſome of them, for the future Security of our Trade in that Part of the World; and, if diſciplined Troops are not better than raw and undiſciplined Men for that Purpoſe, I am ſure we have been at a great Expence in keeping up a numerous Army for many Years to no Purpoſe. I indeed wonder, that a large Detachment of our regular Troops has not been already ſent into that Country. In my Opinion, if we had conſidered what we were about, or what was the moſt probable and effectual way, either of diſtreſſing the Enemy, or gaining an Advantage to ourſelves, we ſhould have begun Hoſtilities, by ſending a well-provided Squadron and Army to America. This we might have done without declaring War. It was time enough to declare War when they were arrived there and ready to attack the Enemy. If we had done this, we might in a ſhort time, perhaps before now, have been in Poſſeſſion of what would have forced Spain to agree to our Terms.

'But this, Sir, is Time paſt, which is not to be recalled; let us therefore look forward, and do the beſt we can, in Time to come. I have ſhewn that a Body of Marines, drawn from our regular Regiments, will be the moſt ſerviceable for attacking the Enemy, and it is certain, that this Method will be the leaſt expenſive, and moſt convenient for ourſelves. By this Method, the additional Charge will be but very inconſiderable; and the Country will be freed from the Inconvenience and Expence of quartering a great Number of

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uſeleſs Troops. I ſay uſeleſs, Sir, and, I think, I may moſt juſtly ſay ſo; for, in a War with Spain, every Man that is kept in this Iſland, above the Number that is abſolutely neceſſary in a Time of the moſt profound Tranquillity, muſt be allowed to be uſeleſs. We cannot be in the leaſt Danger of an Invaſion from that Country, conſidering the preſent Circumſtances of the two Nations. We were never more united amongſt ourſelves, than we are at preſent. There is a moſt general, and, I am ſure, a moſt juſt Indignation againſt the Spaniards, ſtirred up in every Corner of the three Kingdoms, and among all Ranks and Degrees of Men; and therefore, we can be in no Danger of an Invaſion from thence, unleſs it were to be made with ſuch a Number of Troops as would be ſufficient to conquer the three Kingdoms. This we know they cannot accompliſh: There is not in all Spain, Ships enough for tranſporting ſuch a Number of Troops; and, if they had Ships, they could not, in the whole Kingdom of Spain, find Proviſions enough for victualling ſuch a numerous Fleet of Tranſports.

'We can therefore, Sir, have no Uſe for ſuch a numerous Army here at Home; and, ſince we have no Uſe for them here at Home, for this Reaſon alone, if we had no other, we ought to ſend a great Number of them to ſerve as Marines on board our Men of War. But I have already ſhewn, that they muſt be of more Service both at Sea and at Land, than raw, undiſciplined Men can be ſuppoſed to be; and therefore I ſhall add no more, but conclude with moving, That an humble Addreſs be preſented to his Majeſty, humbly to lay before him, as the Advice of this Houſe, that he would be pleaſed to give Directions, that the Body of Marines intended to be raiſed, may be done in the moſt frugal manner, and put upon the leaſt expenſive Eſtabliſhment, by having as many private Men, and as few Officers, as the Nature of the Service will admit; OEconomy at firſt ſetting out, being abſolutely neceſſary to enable us to ſupport his Majeſty in the vigorous Proſecution of this War; and as Draughts from the preſent Regiments of Foot, which are all equally proper to be employed, either by Land or Sea, will be attended with the leaſt Expence, as well as be moſt expeditious for any immediate Service, humbly to recommend that Method to his Majeſty, in tender Compaſſion to his People, already burdened with many heavy and grievous Taxes; and, to aſſure his Majeſty, whenever he ſhall judge it neceſſary to increaſe the Corps, from whence ſuch Draughts are made, that his faithful Commons will moſt readily enable him to do it; being fully convinced, that their Safety,

Safety, and all that is dear to them, conſiſt in the Preſerva- Anno 13, Geo. II. 1739.
tion of his Majeſty and the Proteſtant Succeſſion.'

Philip Gibbon, Eſq; *

SIR,

' The Method propoſed by my Honourable Friend for Philip Gibbon, Eſq;
raiſing a Body of Marines, I always thought ſo reaſonable, that when the Regiments were laſt Summer brought from Ireland, I imagined they were brought over for that very Purpoſe; and therefore, I could not but be in ſome ſort of Surprize to hear ſuch Complaints for want of Seamen, and to ſee our Trade ſo much interrupted and diſtreſſed by Preſſing and Embargoes, whilſt theſe Regiments, and all our other Regiments of Foot in Great Britain, were lying idle in their Quarters, and oppreſſing all the Inns and other Public-Houſes in the Kingdom. Nay, even when I heard, by his Majeſty's Speech from the Throne, that we were to have a Body of Marines, I ſtill imagined, they were to be raiſed by ſending ſome of our Foot-Regiments, or Detachments from all of them, to ſerve on board our Ships of War; and this continued to be my Opinion, till I ſaw the Eſtimates which have been delivered into this Seſſion of Parliament.

' But, Sir, when I ſaw theſe Eſtimates, I was aſtoniſhed to to find, that what was to be called a Body of Marines, was to conſiſt of ſix Regiments of Land-Forces, all to be new raiſed, and to conſiſt moſtly of Men never trained to any ſort of martial Diſcipline either at Land or Sea. This certainly is loading the Public with a very great, and, in my Opinion, a very unneceſſary, additional Charge, and forming a new Body of Land-Forces, which are not, I hope, to be employed as Marines, or in any other manner ſent againſt the Enemy; for, ſurely, if we have a Mind to proſecute the War with Vigour; if we expect, or intend to have Succeſs in the War, we ought to employ our oldeſt and beſt Corps in the Proſecution of it, and keep our youngeſt, or new-raiſed Regiments at Home, till they have made themſelves ſo much Maſters of military Diſcipline, as to be fit to be employed againſt the public Enemy. This was the Method we took in the Proſecution of the laſt War: We were not then ſo much terrified with Invaſions, tho' we were often threatened with them, by an Enemy that had ſome ſort of Power to put ſuch Threats in Execution; I ſay, we were not then ſo much terrified with ſuch Phantoms, as to keep our beſt Troops at Home to defend us from them. If we had, we

* *Since made one of the Lords of the Treaſury.*

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we ſhould not have had ſuch Succeſs in the War Abroad; where, if we had been unſucceſsful, the Danger of an Invaſion at Home would have become not only real but irreſiſtible.

'If it be really neceſſary to raiſe new Regiments of Land-Forces, let them be raiſed upon the ſame Footing with the other Land Forces, in order to re-place thoſe that are to be ſent againſt the Enemy, or employed on board our Ships of War. Even this would ſave the Public ſome of that Expence I find calculated in the Eſtimate, for the ſix new Regiments, which are to be called Marines. But do not let us ſend raw and undiſciplined Men upon any Expedition againſt the Enemy, when we have ſuch a Number of old Regiments, that muſt be allowed to be more fit for that Purpoſe. Theſe we ought to ſend Abroad, even ſuppoſing that we were in immediate Danger of being invaded with a formidable Number of Troops, and therefore obliged to keep ſuch a numerous Land-Army at Home as we now have in Britain and Ireland; becauſe, by carrying the War to the Doors of our Enemy, we may prevent its being brought to our own. But, as I think we neither are, nor can be in any ſuch Danger, as long as Spain continues alone in the War againſt us, I cannot think we have as yet any Occaſion for raiſing any new Regiments: I muſt think, we can ſpare, out of thoſe we have now upon the Eſtabliſhment, a ſufficient Number for our Ships of War, and likewiſe for invading the Enemy both in Europe and America; and therefore I ſhall conclude with ſeconding the Motion, which my worthy Friend has been pleaſed to make.'

Sir William Yonge.

SIR,

Sir William Yonge.

'I have often heard that, according to the old Maxim of our Conſtitution, the King is inveſted with the ſole Power of making Peace and War; but, from the late Conduct of ſome Gentlemen in this Houſe, I begin to doubt whether this ought to be allowed as a Maxim in our Conſtitution. There are ſome amongſt us who, of late Years, have taken upon them to preſcribe to his Majeſty not only when, but how he is to make both Peace and War. In the laſt Seſſion, there were, among us, many Gentlemen who ſeemed willing to preſcribe to his Majeſty, when he was to make War: In this Seſſion, we have already, by an Addreſs, preſcribed to him how he is to make Peace; and now it is propoſed, that, by another Addreſs, we ſhould preſcribe to him how he is to make War. Our laſt Addreſs, tho' I could not think it altogether ſo decent, I did not oppoſe, becauſe I ſaw no bad Conſe-

Conſequences it could be attended with, and becauſe I believed, that what was thereby recommended, was what his Majeſty had previouſly reſolved on, as a Rule from which he was not to depart in any future Treaty of Peace; and, as I did not then oppoſe it, I ſhall not now find fault with it, eſpecially ſince it is become the Act of this Houſe, by being unanimouſly agreed to; for I ſhall never indulge myſelf in that Liberty, which is too often taken by others, of finding fault with any thing that has once had the Sanction of this Aſſembly. Anno 13, Geo. II. 1739.

'But as to the Addreſs now propoſed, Sir, I ſhall be extremely ſorry, if it ſhould be approved of by the Majority of this Houſe. Let it be conſidered in what Light you will, it is ſuch a one as I muſt oppoſe. If it be conſidered as a Rule to be preſcribed to his Majeſty, with regard to the Methods of carrying on the War, I muſt look upon it as diſreſpectful to the Crown, and an uſurping of a Province, which, by our Conſtitution, does not belong to this Houſe. And if it is to be conſidered as an Advice humbly offered to the Crown by this Houſe, I muſt be againſt it, becauſe I think it would be a very bad Advice, and ſuch a one as might be attended with the moſt fatal Conſequences. But, ſuppoſe it did not appear ſo to me; ſuppoſe I could not determine whether the Advice be right or wrong, yet I ſhould oppoſe it, becauſe I ſhall always think it wrong in us, and inconſiſtent with the Dignity of this Houſe, to pretend to give Advice in any Caſe, where it is impoſſible for us to be proper Judges. We may judge of national Rights, and may adviſe his Majeſty not to agree to any Terms of Peace, unleſs thoſe Rights be fully eſtabliſhed; but it is impoſſible for us to judge of the proper Methods for proſecuting a War, or of the Number or Nature of the Troops that ought to be employed in that Proſecution. It is impoſſible for us to be competent Judges in this reſpect, without knowing all that ſecret Intelligence, both from Spain and from the other Parts of Europe, which his Majeſty, and thoſe chiefly employed by him, may be ſuppoſed to be Maſters of; and this, I think, no Gentleman, that wiſhes well to his Country, would deſire to have laid before us. If it were, we could not expect to make any future Advantage of that Intelligence, and much leſs could we expect to have any more ſuch Intelligence; for it generally comes from thoſe, who would never give any ſuch, if they thought it could ever be diſcovered from whence it came; which would ſoon be the Caſe, if it were to be laid before ſuch a numerous Aſſembly.

'Thus, I think, Sir, it is evident, that, tho' the Advice now propoſed

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propoſed ſhould even appear to us to be right, it would be wrong in us to offer it: But from the Confidence I have in his Majeſty's Wiſdom and Conduct, the Advice itſelf muſt appear to me to be wrong. I very well know, that public OEconomy and Frugality are fine Topics for Gentlemen to harangue upon. Frugality in the Management of public Affairs will always, I know, be a moſt popular Pretence for finding fault with, and traducing the Conduct of Miniſters; and I ſhall readily grant, that it is in itſelf a very commendable Thing. But it muſt be allowed, that it may be puſhed too far; and then it bemes ridiculous. It then deviates into that contemptible Quality called Miſerlyneſs; which in public, as well as private Life, may prove the Ruin of thoſe that are governed by it. Such Men often allow themſelves to be deſtroyed, rather than be at the Expence of ſaving themſelves. *Quid refert morbo, an furtis, pereamne rapinis?* was the Reflection long ſince put into the Mouth of a Miſer, who would not be at the Expence of purchaſing the Medicines that were proper for removing a moſt dangerous Diſtemper. War I look on as a National Diſtemper, and it is always a dangerous one. The proper Medicines are Fleets and Armies. If you will not be at the Expence of providing thoſe Medicines, you muſt be deſtroyed; and, if you do not provide a ſufficient Doſe, thoſe you are at the Expence of, loſe their Effect and you ruin yourſelf into the Bargain.

'This I take to be our preſent Diſpute. For my own Part, Sir, I do not pretend to know what Number, or what Sort of Troops may be neceſſary, either for our Safe-guard at Home, or for attacking the Enemy Abroad; becauſe, I neither know the Danger we are in, nor how our Enemies are provided to repel our Attack. But I preſume, and, I think, I ought to preſume, that his Majeſty is well acquainted with both; and therefore, I am willing to ſubmit to his Judgment, both as to the Number and Quality of the Troops that are to be employed, either for our Safe-guard at Home, or for attacking our Enemies Abroad. This, I think, is a Submiſſion which is the Duty of every Subject; but with regard to the Nature or Quality of the Troops to be ſent Abroad, or kept at Home, I think we muſt conclude, even from the Nature of the Thing, that, if we are in Danger of being invaded, our beſt Troops are to be kept at Home for our Defence. The Circumſtances of the preſent War, are very different from thoſe of the great War in the Queen's Time. We had then a numerous and powerful Alliance: Our Enemies were attacked in their own Dominions, with as numerous Armies as they could provide for their

their Defence; ſo that they could not ſpare an Army for invading us: The Troops we ſent Abroad, went but a little way off from this Iſland, and therefore could be re-called at a ſhort Warning. All theſe Circumſtances are now directly otherwiſe; and therefore we cannot, in Prudence, hold the ſame Conduct. But, if our Conduct in that War, or in any other War we were ever engaged in, is to be a Rule for our Conduct in this, I am ſure we cannot agree to the preſent Motion. In the War in the late Queen's Time, we were ſo far from making Draughts from our old Regiments, for the Service of our Navy, that we not only raiſed ſix Regiments of Marines, but alſo ſix Regiments of Land-Soldiers, to ſerve on board our Ships of War. I believe, no Precedent can be ſhewn for what is now propoſed: I am convinced no Example can be found, of our having ever made Draughts from regular, well-diſciplined Regiments, in order to employ them as Marines on board our Navy. I muſt beg leave, Sir, to ſay, that, in my Opinion, it would be ridiculous; for I cannot but think, that new-raiſed Troops are as good on board a Man of War, as well-diſciplined Soldiers. In fighting a Ship, there are no Marches, or Counter-marches: There is no Part of the Land-Diſcipline required, but that of loading and firing the Muſket; and a Country Fellow from the Plough, may, in three Days, be taught to do this as adroitly as the moſt expert Soldier in the Army. Anno 13, Geo. II. 1739.

'It ſeems to be granted on all Sides, Sir, that the raiſing of a Body of Marines is neceſſary. The only Queſtion is, whether that Body ſhould be formed by making Draughts from, and conſequently diminiſhing our Army, or by raiſing new Corps for that Purpoſe; and, the Determination of this Queſtion muſt depend upon the Danger we ſeem to be in of being attacked at Home. I ſhould think we are in ſome ſuch Danger, if it were for no other Reaſon but becauſe his Majeſty ſeems to think, that we ought not to diminiſh our Army; but there are, in my Opinion, ſeveral other very ſufficient Reaſons for thinking ſo. I ſhall admit, that Spain cannot invade us with ſuch an Army as would be ſufficient for conquering the three Kingdoms; but even Spain may invade us with ſuch an Army as may be ſufficient for ſtirring up a Civil War in every one of the three Kingdoms. We appear, it is true, at preſent, very much united amongſt ourſelves; but I doubt much if we are ſo. There are ſtill great Numbers of Men, in every one of the three Kingdoms, diſaffected to his Majeſty and his Family. This Diſaffection, all of them that have any Wiſdom will take care not to ſhew till they have a good Opportunity: They

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will appear united, and will join with the reſt of their Countrymen in the general and juſt Out-cry againſt the Spaniards; but if even a ſmall Body of Spaniſh Troops were landed in their Neighbourhood, they would ſoon change their Note: They would then take off the Maſk, and join with that Body in endeavouring to force the Pretender upon us. Thus the Flame of a Civil War would be blown up in the Kingdom, and, whilſt we were engaged in a Civil War at Home, I believe it will be allowed, that we could not proſecute the War with Vigour Abroad.

'I muſt, upon this Occaſion, Sir, obſerve, that Miniſters are generally treated in a manner not quite ſo candid. With regard to Dangers, and Preparations againſt thoſe Dangers, it is impoſſible for them to guard againſt thoſe who are willing to find fault with their Conduct. If impending Dangers are prevented from falling upon the Nation, by the Preparations our Miniſters make againſt them, which, I have good Reaſon to believe, has often been the Caſe within theſe twenty Years, it is then aſſerted, with great Confidence, by thoſe who have a Mind to find fault, that no ſuch Dangers ever exiſted; and that, therefore, the Nation was put to a needleſs Expence, by thoſe Preparations that were made for preventing them. On the other hand, if any Danger or Misfortune ſhould actually fall upon the Nation, tho' proceeding from the moſt ſudden, unforeſeen, and unexpected Cauſe, which, thank God! has not been our Caſe for theſe twenty Years, it would then be pretended, that the Danger or Misfortune might eaſily have been foreſeen, and our Miniſters would be blamed for not having foreſeen and provided againſt it. In our preſent Caſe, the Dangers of this War may blow over; we may, at laſt, force Spain to agree to reaſonable Terms, without being invaded by that Power, or attacked by any other Power in Europe; and, if this ſhould be our good Fortune, as I hope it will, I expect to hear warm Harangues againſt the needleſs Expence the Nation was put to during the War; by maintaining greater Armies and Squadrons than were neceſſary in a War againſt Spain. But I ſhall never allow ſuch Harangues to have any effect upon me. I believe we are now in no great Danger of being invaded by Spain. I hope we are in no great Danger of being attacked, during this War, by any other Power in Europe; but I am fully convinced, that this happy Security proceeds from the Preparations we have made, and the Meaſures we have taken. At the Beginning of the Rupture, Spain ſeemed to have ſome View of invading us. This we muſt ſuppoſe, from their having marched ſo many of their Troops into Gallicia, which is the Province that lies next to,

and

and moſt convenient for invading Britain or Ireland. By the Preparations we have made, they now ſee they cannot carry their Deſign into Execution; but, if we ſhould diminiſh our Army, by ſending a great Number of our Troops to ſerve on board our Men of War, or to attack the Spaniſh Dominions either in Europe or America, they would certainly reſume their firſt Deſign, and might land ſuch a Body of Troops, as, in Conjunction with the Diſaffected at Home, might ſtir up a dangerous Conflict in the very Bowels of our own Dominions; and in that Caſe, I do not know but that thoſe very Gentlemen who are now for ſending our Troops out, would reflect upon our Miniſters, for having adviſed his Majeſty to comply with their Requeſt. They would then of courſe ſay, that our Miniſters ought to have known better than they, and that they ought to have informed them of the Danger, in which Caſe they would not have made ſuch a Requeſt. Anno 13, Geo II. 1739.

'This, Sir, might be the Conſequence of our diminiſhing our Army, with regard to Spain; but there is another Danger we lie expoſed to, and which we ought to guard againſt. Spain is as yet alone in the War againſt us, and while ſhe continues ſo, I hope we may with Reaſon flatter ourſelves, that ſhe will find herſelf unequally matched; but, there are other Powers in Europe who would be glad to ſee this Nation humbled, and conſequently would be glad of an Opportunity for bringing it about. If we ſhould leave ourſelves defenceleſs at Home, it might encourage them to join with Spain againſt us; for, the firſt Effect of that Confederacy would certainly be an Attempt to invade this Kingdom. For this Reaſon, we ought to be ſo much upon our Guard, as to be prepared againſt all poſſible Events. Nay, I do not know, but that the Preparations we have made, and the other wiſe Meaſures his Majeſty has been pleaſed to take, are the chief Cauſe of Spain's being yet alone in the War againſt us.

'From theſe Conſiderations, Sir, I muſt be of Opinion, that this Motion really is, humbly to deſire his Majeſty, that he would be pleaſed to leave his Kingdom defenceleſs, and our preſent happy Eſtabliſhment again expoſed to the doubtful Chance of a Civil War. It has been once already expoſed to this Chance; and we muſt ſtill reflect with Terror, that the Scales were pretty near equal, tho' the Diſaffected had then no foreign Aſſiſtance, nor was ſo much as countenanced by any Potentate in Europe. God knows what might be the Conſequence, if a Body of foreign Veterans were thrown into the Rebel-Scale, and the Rebels countenanced and ſupported by one at leaſt, perhaps by two

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of the moſt formidable Potentates in Europe. I am far from thinking, Sir, that the Honourable Gentleman who made, or the Honourable Gentleman who ſeconded this Motion, had any bad Intention, or that they viewed their Motion in the Light I do; but as I view it in the Light I have mentioned, I muſt think it would, in me, be contrary to my Allegiance to agree to it.'

George Lyttleton, Eſq;

SIR,

George Lyttleton, Eſq;

'I hope I need make no Profeſſions of my Attachment to the King and his Family. The Honour and Duty I owe to their Perſons (tho' no Man living has more) are yet the leaſt and weakeſt Bonds to confirm that Attachment. It is the Conſtitution of my Country which they came to preſerve, that ties my Allegiance to them, for the Sake of the Whole. This, Sir, is my Principle; and upon this, I hope, I may found as high Pretenſions to Zeal for their Service and Glory, and for the Support of his Majeſty's Government againſt all his open and ſecret Enemies, and be believed as ſincere and warm in them, as any Gentleman here. And, therefore, if I could think, that my Compliance with the Motion made by my worthy Friend, could poſſibly affect the Security of his Majeſty's Crown, by leaving him without a proper Defence, the Hon. Gentleman himſelf could not be more averſe to it than I. But ſure, Sir, out of an Army of eight or nine and twenty thouſand Men, Draughts might be made for our Sea-Service, without leaving the Kingdom defenceleſs. Sure, there would remain diſciplined Troops enough to ſecure us till Recruits could be raiſed. If the Hon. Gentleman thinks not, it is the worſt Compliment that ever was made to the Army.

'No Man can be more zealous than I, for ſtrengthening his Majeſty's Hands as much as is poſſible; but, upon the ſame Principle from which I declare for ſupporting the War, from the ſame Principle from which I ſhall agree to the Number of Men aſked by his Miniſters, I am for raiſing them in the manner that has been propoſed by this Motion. We may play with Words as we pleaſe, but this and Marines that are to be raiſed, are no more Marines than every Regiment of Foot in the Kingdom: The only Difference is, that the new raiſed Men will have all their Buſineſs to learn, whereas the others have learned half of it, and are ready at hand; the laſt are Soldiers, tho' not Sailors, but the others are neither Soldiers nor Sailors, and to make them either, will take up a great deal of Time; ſo that if there is any Service to be done by them, it is very evident which we ſhould

ſhould chuſe. If you had a Journey to make, and ſix good Horſes well in the Stable, would you ſtay to buy and break ſix new ones before you ſet out? Anno 13, Geo II. 1739.

* But to talk of this Thing upon the Foot of the Expence of it alone. As the Nation gives whatever it ought, this Miniſtry ſhould ſave whatever they can. We are moſt willing to furniſh his Majeſty with all the Money his Service requires; but certainly, Sir, we have not more than we want; and, therefore, good OEconomy, tho' it be at all times a neceſſary Virtue, is more indiſpenſably ſo now, when our Expences muſt be ſo great, and when we may feel the Loſs of every Shilling that we throw idly away, in ſome eſſential Service that may ſuffer for want of it. Sir, God forbid that in a War like the preſent, which our Miniſters did not enter into lightly or wantonly, but in mere Conformity to the known Sentiments and Deſires of the Nation, God forbid that, if any ſiniſter Accident, any Misfortune ſhould happen, they ſhould be charged with it, or be to anſwer for any Event which, it ſhall appear, they could not command; but what they are juſtly reſponſible for is, that the public Money ſhould not be ſquandered; and if, in any Particular, it be found that they have failed in this Part of their Duty, that they have not adviſed his Majeſty with a due regard to this Principle, then ſhould this Great Council interpoſe, and give ſuch Advice, as they owe to their King and Country in this important Coujuncture; and, in this Light, I ſee the Motion made by my Honourable Friend. But, it is not only the Expence, preſent or future, the needleſs Pay of ſo many Officers, their Half-pay hereafter, Pay-Maſter, Deputies, and all the reſt of that Equipage; it is not only this which we have to conſider: There is another Point before us of ſtill greater Importance. What, Sir, at a Time when the whole Nation is ſo ſtrongly alarmed at the Influence attending ſo many Places, civil and military, without any Colour of Neceſſity, againſt all Rules of OEconomy, wantonly to add to that Influence, to create new Places, new Dependences! How will this be thought of? how will this appear to the World? Won't it look like taking Advantage, an unfair, indecent Advantage of the generous Confidence placed in his Majeſty by his People and Parliament, upon all Demands made by him for the Support of this War, to increaſe that Power in the Crown, from the Growth of which they dread ſo many Miſchiefs?

* Sir, not for the preſent only, but for all our future Deliberations concerning Supplies, there is one Caution I beg leave to recommend to this Houſe, and that is, always to have it in our Thoughts, that to a free Conſtitution of Government,

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vernment, there is no Seaſon ſo dangerous, as the Time of a popular War; for, it has been in the Heat of ſuch Wars, that almoſt all free States, ancient and modern, have been induced to make Conceſſions, wink at Encroachments and eſtabliſh Precedents, that have ended afterwards in the entire Loſs of their Liberties. Sir, I hope the very Reverſe will happen here, and that we ſhall, at the ſame time, attend to the Recovery of ſuch of our Rights as have been invaded Abroad, and to the ſecuring of ſuch as may have been weakened at Home. I think it is the Deſign of this Motion, to prevent our being in Danger from the further Increaſe of Influence, of their (our Rights) being weakened yet more.

'As to the Practice of former Times, it muſt be conſidered, that we never had any thing like ſuch an Army at Home in theſe Kingdoms before, and therefore large Draughts out of the Forces here could not have been made then, ſo ſafely as now; the Remainder would not have been a ſufficient Guard to us till Recruits could be raiſed; but, I apprehend, we make ſuch Draughts in full Security now; and this, I think a ſufficient Anſwer to what was ſaid by the worthy Member who ſpoke laſt. Sir, I ſhall trouble you no farther now, but heartily concur with this Motion.'

Henry Fox, Eſq;

SIR,

Henry Fox, Eſq;

'It is a general Obſervation in all Debates, that thoſe who ſpeak upon the right Side of the Queſtion, are generally the moſt moderate and cool in the Argument; and this, I think, was never more apparent, than in the preſent Debate. When I firſt heard the Motion, I thought it was a Motion that could not poſſibly occaſion any Heat or Animoſity amongſt us; but in this reſpect I find myſelf diſappointed, as I have often been upon the like Occaſions; for ſome of thoſe that have ſpoke in favour of the Motion, have been pleaſed, I think moſt unneceſſarily, to make Uſe of ſome very warm Expreſſions. As the preſent Queſtion can, in no Light, be conſidered any other way than as a Diſpute about the moſt proper Method for raiſing or forming a Body of Marines, I can ſee no Reaſon Gentlemen have for running themſelves into a Heat upon the Subject, or for making Uſe of any warm Reflection againſt thoſe, who differ from them in Opinion; and, I am ſure, if Gentlemen would keep cloſe to the Subject, and take Care to make no Excurſions into Matters that have no Relation to it, the Debate would be ſoon exhauſted; becauſe I muſt think it a

Debate

Debate quite foreign to any thing that can properly come this Day before us.' Anno 13, Geo II. 1739.

'No Gentleman, I find, Sir, has queſtioned its being neceſſary for us to raiſe or form a Body of Marines. If this had been the Queſtion, we might have taken it into Conſideration, even before we had read or conſidered any of the Eſtimates for the enſuing Year; but the preſent Debate I muſt look upon as anticipating the Conſideration of the Eſtimates laid before us for the Service of the enſuing Year, before they have been read, I believe, by any Gentleman in this Houſe; for if a Body of Marines is to be formed, it it muſt be formed either by raiſing new Corps for that Purpoſe, or by employing ſome of the Regiments we have already on Foot in that Service. If you chuſe the latter Method, you diminiſh the Number of Land-Forces that are to be kept up for the enſuing Year; and is not this, therefore, debating the Queſtion about the Number of Land-Forces that are to be kept up for the enſuing Year; before you have ſo much as read the Eſtimate of the Charge of the Guards, Garriſons, and other his Majeſty's Land-Forces, for the Year 1740, which was but Yeſterday laid before you? Some Gentlemen, who are more diligent than I, may perhaps already have caſt their Eye upon this Eſtimate, but I muſt confeſs, that I have not ſo much as looked at it; and conſidering its being ſo lately laid before us, and that there was no Probability of its coming under our Conſideration before To-morrow, I cannot, in this reſpect, accuſe myſelf of any Neglect of Duty. But whatever may be in this, whether I am guilty of a Neglect or no, as I have not ſeen the Eſtimate, I cannot take upon me to determine, whether the Addreſs propoſed be proper or not, and therefore I cannot at preſent agree to it.

'This, Sir, muſt with me be a prevailing Reaſon for being now againſt the Motion, and ought, I think, to be ſo with every Gentleman that is in the ſame Circumſtances with me, whatever they may be hereafter; but there is another Reaſon, a Reaſon ariſing from our uſual Form of Proceedings, that makes me againſt the Motion at preſent. I think it was wrong to introduce ſuch a Motion, and it would be more wrong to enter into the Merits of it, whilſt we are in a Houſe. As it is a Motion that relates to the Number of Troops to be kept up for the enſuing Year, it is proper only for a Committee, where Gentlemen have Leave to ſpeak ſeveral times upon the ſame Queſtion, and may riſe up as often as Occaſion requires to explain Facts, and anſwer Arguments or Objections, that can, perhaps, be explained and anſwered by none but themſelves. I have not, indeed, heard

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heard any Arguments made uſe of in favour of the Queſtion, but ſuch as, I think, may be eaſily anſwered by any Gentleman in the Houſe; but others may be of a different Opinion; and one Gentleman has already ſpoke againſt the Motion, who, could he be allowed to ſpeak again, as he would be, if we were in a Committee, would, I am certain, be able to anſwer every Argument in favour of the Motion, to the Conviction of moſt Gentlemen preſent.

'Whether out of 28 or 29,000 Men, a ſufficient Number may be ſpared for Sea-Service, without leaving the Kingdom defenceleſs, is a Queſtion, Sir, which, I think, we cannot enter into at preſent. The Eſtimates are, it is true, before us, but as I have not, and, I believe, few Gentlemen have, looked into them, I do not know what Number of Land-Forces we have on Foot, nor do I know what Number his Majeſty thinks neceſſary for the enſuing Year. From what I have heard, I believe, his Majeſty has augmented his Land-Forces: I think it was neceſſary he ſhould; and when I look into the Eſtimates, if it from thence appears, that his Majeſty thinks 28 or 29,000 Land-Forces neceſſary for the Security of Great Britain, during this next Year, I am not aſhamed to ſay, it will be a ſtrong Argument with me for thinking ſo too; becauſe his Majeſty muſt know our Danger better than I can. And if we ought, for the Sake of our own Security, to keep ſuch a Number of Land-Forces here at Home, what ſignifies the preſent Motion? What would it ſignify to preſent the Addreſs thereby propoſed? If the Body of Marines, allowed to be neceſſary by every Gentleman that has ſpoke in this Debate, ſhould be formed from Draughts made out of the Regiments of Land-Forces we have now on Foot, thoſe Draughts muſt, even according to the Motion, be immediately re-placed by raiſing Recruits. What then can it ſignify, whether thoſe Recruits be raiſed for Marching-Regiments, or for Marines? As Mankind are fond of every Thing that is new, and as common Fellows will be readier to enter into the Sea than the Land-Service, I believe the neceſſary Number of Recruits will be more eaſily and quickly raiſed, when they are all, or moſt of them to be liſted for Land-Service; and as the War is already declared, I think the moſt ſpeedy way is the beſt, eſpecially as it will be the cheapeſt; for the more ready Men are to engage in the Service, the leſs we ſhall have Occaſion to give by way of enliſting Money.

For my Part, Sir, I do not really well know what the Honourable Gentlemen mean by Draughts from the preſent Regiments of Foot. I hope they would not have the Officers

Officers drawn away from our Marching-Regiments. If you do, you must immediately appoint others in their stead. For, I hope, it will be allowed, that every Regiment of Land-Forces must have its full Complement of Officers; and if you are resolved to make your Marines what Marines ought to be; I mean, if you are resolved to make them fit for Land-Service, as well as Sea-Service, you must form them into Regiments, and in that Case each Regiment of Marines must have its full Complement of Officers, the same as if it were designed for a Marching-Regiment to serve at Land only. Anno 13, Geo. III. 1739.

'Thus, it appears, Sir, that with regard to the Expence, it is the same Thing, whether the Body of Marines proposed, be formed by Draughts from our Foot-Regiments, or by raising new Regiments for that Purpose; and as to the Service, his Majesty is certainly the best Judge of the most proper Method for forming the intended Body of Marines, because it must depend upon the Service in which they are to be employed. If our Marines are to be employed at Sea only, in order to make up the Complements of our Men of War, and to leave Seamen for the Merchant-Service, new-raised Men are every bit as proper as old Soldiers: Nay, they are rather better, because they will generally consist of younger Men; and this Case, I shall grant, there would be no Occasion for so many Officers. But if our Marines are to be employed likewise upon Land, and to be sent upon any Expedition against the Enemy, they must be regimented as other Land-Forces are; and in this Case I make no Question, but that his Majesty will, without any Address from us, order the Regiments of Marines to be formed partly from Draughts of private Men from old Regiments, and partly by new Recruits; in which Case, they will, with respect to Service, be upon the same Footing with our old Regiments; for every Regiment of Foot now in the Service, must necessarily, by the late Augmentation, have a great Number of raw, undisciplined Men in it.

'For this Reason, Sir, I must think, that the only Question now before us is, Whether the Number of Land-Forces, proposed by the Estimate now upon our Table, be the least Number that ought to be kept up for the Defence of this Kingdom; and as this Question was never, I believe, canvassed, but in the Committee of Supply, I cannot think it proper for our present Consideration.

'Gentlemen I find, Sir, are mighty apt to find fault with the Number of our Officers; and I do not in the least wonder at it: The Expence and Danger of such, are popular Topics that will, I believe, be made use of against every fu-

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ture, as well as they have been againſt every paſt Adminiſtration. Some of thoſe, who now inſiſt upon thoſe Topics, may remember their having been made uſe of againſt themſelves; but, I am ſure, no Gentleman will ſay, that an Army can be kept up without Officers: I believe it will be generally allowed, that the more Officers there are in an Army, the better it will always be. The French have a greater Number of Officers in Proportion than we have, and it is this that makes their Armies ſo formidable; for their common Men are rather worſe than thoſe of any of their Neighbours. It is their great Number of Officers that has generally made their Troops ſuperior to the Germans; and as the French Nation has always been our moſt formidable Enemy, we ought to take care to render our Troops, at leaſt, as good at theirs: If we can fall upon any Method to render them better, we ought to make uſe of it; becauſe our Troops are not near ſo numerous.

'We have, it is true, Sir, and muſt have a great Number of Officers, as long as we keep up either Fleet or Army; but I do not know, that the Nation is alarmed at the Influence attending ſo many Places Civil and Military. I know great Pains have been taken to raiſe ſuch an Alarm; but, I hope, without any Effect; for Government cannot be ſupported without Places Civil and Military, and the Number of them muſt always bear a Proportion to the Largeneſs of the Society to which they belong, and the Uſe that Society may have for them. Without a proper Number of Officers in a Society, Diſorder and Confuſion muſt enſue; and therefore, I cannot think it right to endeavour to alarm the People of a Society with the Number of Officers Civil and Military, unleſs there were really a great Number more than were neceſſary for ſupporting Order, and preventing Confuſion, which, I am ſure, is not the Caſe of this Nation at preſent. In War we muſt have more than we have Occaſion for in Peace; therefore I am ſurprized to hear thoſe, who were ſo ſanguine for a War, pretending to be alarmed at the Influence of ſuch a Number of Officers. They could not but foreſee, that, in Time of War, we muſt increaſe both our Fleets and Armies, muſt always produce an Increaſe in the Number of our Officers, both Civil and Military.

'But this, Sir, is departing from the Queſtion in Hand. If we are to have a Body of Marines, we muſt have a proper Number of Officers for commanding that Body; and as no Gentleman denies our being under a Neceſſity to eſtabliſh a Body of Marines, no Gentleman can doubt of our being under an equal Neceſſity to appoint a ſufficient Number

ber of Officers for commanding them. The only Queſtion now before us is, Whether we ſhall diminiſh the Number of our Land-Forces, by drawing from thence a Body of Marines; and this being a Queſtion not yet ripe for our Conſideration, nor proper while we are in a Houſe, as I have already ſhewn, I cannot agree to it.' Anno 13, Geo. II 1739.

Joſeph Danvers, Eſq;

SIR,

'I am glad to find that every Gentleman, who has ſpoke in this Debate, ſeems convinced of the Neceſſity of our raiſing a Body of Marines. They are, in my Opinion, Sir, ſo neceſſary, that I ſhall be not only for raiſing, but keeping them. After they are once properly diſciplined, they will do as well at Land, as any of the Regiments we have now on Foot, and always when we ſtand in need of it, they will be of great Service at Sea. I have had the Honour, Sir, to ſerve my Country at Sea. It is now, indeed, a long while ago, almoſt five and thirty Years; but I have not quite forgot what I then obſerved; and, as I have been at Sea, and have ſeen Marines on Ship-board, I know better what Uſe they may be of, than thoſe who never were in that Service. Sir, there are many Services on board a Man of War, which Marines in a very ſhort time become as fit for, as the beſt and moſt thorough-bred Seamen. They cannot, indeed, go aloft, but they can ſoon learn to manage the Guns, hawl in the Anchors, and, in ſhort, every other Service that is to be performed upon Deck, or any where between Decks. Joſeph Danvers, Eſqs

'It is true, Sir, that even for theſe Services, Men muſt have ſome Experience: They muſt be for a few Days, or perhaps for a few Weeks, at Sea, in order to ſeaſon them to that Climate, to learn to ſtand upon their Legs, and to make themſelves acquainted with the ſeveral Services that are to be performed on Deck, or between Decks. A Soldier, therefore, let him have been trained to military Diſcipline as long as you will, is as unfit for being a Marine, as any Fellow juſt taken from the Plough, or as the meereſt Vagabond that can be picked up in the Streets. Sir, a Soldier and a Marine are, I may ſay, quite different Creatures: They are as different as an Otter and a Fox. Why then ſhould you diminiſh the Number of your diſciplined Soldiers, for the ſake of forming a Body of Marines, when new-raiſed Men are every whit as fit for the Service? As we have now had a long Tract of peaceable Times, there muſt be in every City and Town, and in every Corner of the Country, a great Number of idle Fellows, who are not only a Burden, but very troubleſome and dangerous to the Country

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try where they at preſent reſide. It will be a public Benefit to rid the Country of them, and they may be uſefully employed as Marines on board our Men of War. It would therefore, in my Opinion, be a double Prejudice to the Country, to form a Body of Marines by making Draughts out of our Foot-Regiments; becauſe it would be drawing away from us thoſe Men who, in caſe of an Invaſion, would be of great Service to their Country, and leaving at Home thoſe, who are at preſent a Burden, and who, in caſe of an Invaſion, would be very apt to join the Enemies of their Country.

'I ſhall grant, Sir, that the regular Troops we have now on Foot, would be better for immediate Land-Service, than a Body of Marines wholly compoſed of new-raiſed Men; but unleſs we ſhould be invaded at Home, I can ſee no Reaſon to ſuppoſe, that we ſhall have immediate Uſe for either. We are not, I hope, to make any Attack upon the Spaniards at Land in any Part of Europe; and if we ſhould reſolve to attack them at Land in America, we cannot propoſe to ſend out a Fleet with Land-Forces on board for that Purpoſe, till towards the End of next Summer, becauſe the Heats in that Part of the World are ſo exceſſive in the Summer-Time, that our Troops would probably ſuffer more by them than they could by the Enemy. Conſidering the Humour that, at preſent, prevails in the Nation, we may, I hope, be able to compleat the Body of Marines propoſed, by new Levies, in a Month or two; and, in that Caſe, they will have ſeven or eight Months to learn their Diſcipline, before we can ſend them out upon any Expedition againſt the Enemy, where Land-Forces are requiſite. In that Time they may be as expert in the Diſcipline proper for Land-Service, as any of the Regiments we have now on Foot, and would, I hope, behave as well as could be expected from any Body of Men whatever; but as it will, probably, be neceſſary to ſend a greater Number of Land-Forces Abroad, upon any Expedition we may undertake, than the whole Number of Marines now propoſed to be raiſed, I believe our Marines go when they will, muſt be accompanied by ſome of the Foot-Regiments now in the Service; which ſhews, that we ought not to diminiſh our preſent Quota of Land Forces, by drawing ſuch a Number out, in order to form a Body of Marines.

'Whether 28,000 Men be neceſſary for our Defence at Home, is not now, Sir, the Queſtion. Suppoſe that ſo great a Number may not be neceſſary; yet, ſurely, in Time of War, we ought to raiſe and keep up a greater Number of Land-Forces than is barely neceſſary for our Defence here at

at Home. We ought to have ſuch a Number on Foot, as may enable his Majeſty to ſend 8 or 10,000 Abroad upon any Expedition he may think fit to undertake, for diſtreſſing the Enemy in their own Dominions. Sir, as I moſt heartily wiſh to ſee the War proſecuted in the moſt vigorous manner, and as I do not know but that we have more Enemies than we as yet know of, I ſhall be ſo far from reſolving to grant no greater Number of Land-Forces than are juſt neceſſary for our Defence at Home, that I am reſolved, I came here, this Seſſion, reſolved, to grant as many Land-Forces, Seamen, and Marines, as his Majeſty ſhould deſire; and ſince I came here, I have heard nothing that can in the leaſt ſhake this Reſolution; for if more Land Forces be deſired than are neeeſſary for our Defence at Home, I ſhall ſuppoſe his Majeſty intends to ſend out a ſufficient Number of them for attacking the Enemy Abroad; and I am ſure no Gentleman would deſire, that his Majeſty ſhould communicate to us his Intentions in this reſpect, or ſhould tell us what Number of Land-Forces he propoſes to ſend Abroad for this Purpoſe. Anno 13. Geo II. 1739.

'I have not as yet peruſed the Eſtimates that were laid before us Yeſterday, no more than the Honourable Gentleman that ſpoke laſt; but, Sir, I am extremely glad to hear, that his Majeſty deſires no more than 28 or 29,000 Land-Forces, and 6 or 7000 Marines, for the Service of the enſuing Year. It is to me a convincing Proof, that we have nothing to fear, for next Year at leaſt, but from Spain alone; and if that Nation ſtands alone againſt us but for one Year, I hope we ſhall be able to give a very good Account of our Campaign. I expected, indeed, that the Demand would have been much greater, and therefore I am ſurprized to hear Gentlemen boggling at ſuch a Demand, and endeavouring to perſuade this Houſe not to agree to it; for this I take to be the plain Meaning of the Motion now under our Conſideration. His Majeſty has deſired 28,000 Land-Forces, and 6000 Marines; and we are deſired to tell him by way of Addreſs, that we will grant him the 6000 Marines, but then they muſt be draughted out of the 28,000 Land-Forces. Is not this an abſolute Refuſal of the Number of Land Forces deſired? Is it not directly telling him, that we will grant him but 22,000 Land-Forces? This is certainly the Light this Motion ought to be conſidered in; and in this Light, I hope there are not many in this Houſe that will agree to it.

'I am as much, Sir, as any Man, againſt keeping up a numerous Standing-Army in Time of Peace, I wiſh there were not a red Coat to be ſeen within the Kingdom. A Standing-

Anno 13, Geo II. 1739.

Standing-Army is in all Countries an Evil, and in a free Country it is a greater Evil than in any other; but it is an Evil we muſt ſubmit to, for the ſake of avoiding a greater; and, in Time of War, when we muſt always be in more Danger of that greater Evil, than in Time of Peace, I ſhall never be for diminiſhing the leſſer Evil; for if our Army were ten times as numerous as it is, we ought to ſubmit to it, rather than expoſe ourſelves to that greater, I may ſay that greateſt of Evils; for this Reaſon, I cannot agree with that Part of the Motion, which adviſes the Marines to be formed by Draughts from the preſent Regiments of Foot; nor can I agree with that Part of the Motion, which adviſes to have as many private Men, and as few Officers, as the Nature of the Service will admit; becauſe it ſeems to inſinuate, as if fewer Officers in Proportion would do for Marines, than for Land Forces. What other Gentlemen may mean by Marines, I do not know; but by Marines I mean, a Body of Troops that may be employed either at Sea or Land, as Occaſion may require; and if they are ever to be employed at Land, they muſt be regimented, and muſt have the ſame Number, and the ſame ſort of Officers that are neceſſary for Land Service. Thus, Sir, I have given you my Reaſons for being againſt every Part of the Addreſs propoſed, and for theſe Reaſons I ſhall, moſt heartily, give my Negative to the Queſtion.'

William Pulteney, Eſq;

SIR,

William Pulteney, Eſq;

'It is a little ſurprizing, that a certain Set of Gentlemen, notwithſtanding the many Admonitions they have had, ſhould always bring his Majeſty's Name into every Debate that happens in this Houſe. As a private Gentleman, Sir, I ſhould be ready upon all Occaſions to put a full Confidence in his Majeſty: To believe we are in Danger, when he ſays, he thinks we are; and to believe that the Sums he demands, and the Number of Troops he propoſes, are neceſſary for our Security. This, I ſay, I ſhould think myſelf obliged as a private Gentleman to believe, unleſs I had very good Reaſon to think his Majeſty had been miſinformed and impoſed on. But, as a Member of this Houſe, as a Truſtee for the Purſes, the Liberties and the Privileges of the People of Great Britain, I am under an indiſpenſable Obligation, not to allow myſelf to be an implicit Believer, even in my Sovereign. As ſuch, I am, in Duty to thoſe I repreſent, bound to ſuppoſe, that every Speech his Majeſty makes from the Throne, every Meſſage he ſends under his Hand in Writing, and much more every Demand made in his

his Name, is the Speech, the Meſſage, or the Demand, not of my Sovereign, but of his Miniſter; and that, therefore, I not only may, but ought to examine it with great Freedom, and to believe in nothing but what I am convinced of by inconteſtable Facts, or unanſwerable Arguments. Anno 13, Geo. II. 1739.

'This, Sir, is my Duty as a Member of this Houſe, and as a Truſtee for the Purſe, the Liberties, and the Privileges of the People of Great Britain; therefore, when a Demand comes to this Houſe for loading the People with a heavy Burden, and endangering our Conſtitution, by raiſing, or keeping within the Iſland, a numerous Standing-Army, under Pretence of our being in Danger of an Invaſion, tho' it be made in his Majeſty's Name, I am to ſuppoſe it comes originally from the Miniſter; and, upon that Suppoſition, I ought to conſider, whether that Army be demanded for preventing or defeating an Invaſion intended to be made by Foreigners upon our Territories, or for encouraging and rendering ſucceſsful an Invaſion intended to be made by Miniſters upon our Rights and Privileges. Gentlemen may talk what they will about reaſonable Fears, and cauſeleſs Jealouſies, but, in this Caſe, every Man ought to be guided by his own Conſcience, and to take particular Care that his Judgment ſhall not be directed by any ſelfiſh Conſideration; and, were I the moſt intimate Friend of a Miniſter, as the Invaſions of Miniſters have been much more frequent than the Invaſions of Foreigners, I ſhould rather chuſe to be directed by my Jealouſies than my Fears: Nay, were I a Miniſter, or even a Prime-Miniſter, which, I truſt in God, I ſhall never affect to be, I ſhould think him an honeſt Man that ſhewed more Jealouſy of me than Apprehenſion of foreign Danger; and as long as my Deſigns were honeſt and juſt, I ſhould truſt more upon his Friendſhip, than in the Friendſhip of thoſe I found ready upon all Occaſions to receive whatever Impreſſions I had a Mind to make.

'I ſay, Sir, that, as the Invaſions of Miniſters have been much more frequent than the Invaſions of Foreigners, we ought, at all times, to be more jealous of the former, than afraid of the latter; but when Dangers are pretended, which we have no Reaſon to be afraid of, at leaſt no Reaſon but ſuch a one as muſt always ſubſiſt, and an Argument is drawn from thence for convincing us we ought to load the People, and endanger our Conſtitution, by keeping a numerous Standing-Army within the Iſland, there is then no room for Jealouſy; the Intention becomes evident, which, in my Opinion, is the Caſe at preſent. It is ridiculous to imagine, that the Spaniards ever deſigned to invade us with thoſe Troops that have lately marched into Gallicia. When they have

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have a real Deſign to invade us, they will never prepare for it in that Quarter, as may be ſufficiently convinced by Experience; becauſe their preparing a Fleet of Tranſports at any Port in that Province, or in the Bay of Biſcay, muſt always give us a ſeaſonable Alarm. Therefore I muſt ſuppoſe, that their marching Troops into that Quarter, was either to guard againſt our invading them, or to give ſome People here a Pretence for frightning us with the Danger of our being invaded by them; but this Pretence can be of no Weight with thoſe who conſider, that Troops without Ships can never be of any dangerous Conſequence to this Iſland. The Armies of Spain, nay, the Armies of France, let them march where they will, can never give Terror to any Man of Common-Senſe in this Iſland, unleſs we find they are preparing Ships for tranſporting them hither; and this, I hope, we ſhall always hear of time enough to prevent the Attempt, which we may eaſily do as long as we have a ſuperior Navy.

'Suppoſe, Sir, the Spaniards have a real Deſign to invade us, and that they have marched their Troops into Gallicia for that Purpoſe; we know they have no Fleet of Tranſport-Ships either in the Ports of that Province, or in any other Ports within their Dominions, for tranſporting thoſe Troops to this Iſland. If they deſign to invade us with ſuch a Number of Troops, as ought to give us Uneaſineſs, they cannot in leſs than three or four Months, provide a ſufficient Fleet for tranſporting them; and in that Interval, as ſuch Preparations cannot be privately made, we ſhall have time not only to provide for our Defence, but to put it out of their Power to make the Attempt. This they know very well, and therefore, I am convinced, they will never give the leaſt Countenance to ſuch a ridiculous Project. But ſuppoſe they intended to make an Invaſion upon us with 4 or 5000 Men, which is the greateſt Number they could provide Tranſports for, without giving us timely Notice of their Deſign; are we to keep 28,000 Men, or even 18,000 Men here at Home, to guard us againſt ſuch an Attempt? Are the Numbers of the Diſaffected here at Home ſo great, that 4 or 5000 Men would enable them to overturn our Government, tho' ſupported by more than double that Number of regular Troops in Ireland, and more than treble the Number in Great Britain? This is what no Man, who is a Friend to the Illuſtrious Family now upon our Throne, will affert; and therefore, no Man that is a Friend to our preſent Eſtabliſhment ought, I think, to pretend that we are in the leaſt Danger of an Invaſion.

'An Invaſion, Sir, with ſuch a ſmall Number of Troops, would

would hardly raiſe any Commotion, much leſs a dangerous Civil War in the Bowels of the Kingdom. Even the few Diſaffected we have amongſt us would be ſhy of joining ſuch a ſmall Body of Troops: I am convinced, no Man of Family or Fortune would; and, therefore, I am convinced they would re-imbark, if we gave them leave, as ſoon as they found themſelves diſappointed of the expected Aſſiſtance, or would ſurrender to the firſt Body of our Troops ſent againſt them, in caſe they found they could not re-imbark. From hence I muſt conclude, that, as long as Spain continues alone in the War againſt us, we are not in the leaſt Danger of an Invaſion; and ſuppoſe France ſhould join with Spain, we ſhould have no Occaſion to provide againſt an Invaſion, eſpecially by raiſing a numerous Army to be kept within the Iſland, till they had begun to make Preparations for that Purpoſe. I do not ſuppoſe that France will join in the War againſt us: I am almoſt certain they will not, if we take right Meaſures to prevent it. But, if they ſhould join, or if we have now any reaſonable Cauſe to ſuſpect that they will, I am ſure we have not yet provided, or propoſed a ſufficient Number either of Seamen or Marines; and as France has not yet joined, nor probably will for ſome Months to come, inſtead of being ſo curious and nice, as we have been, ſince the Beginning of this War, about having expert Seamen for manning our Ships of War, we ſhould have begun with taking as few expert Seamen as poſſible, and filling up the reſt of every Ship's Complement with Marines, or able-bodied-Landmen. This, I ſay, we ought to have done, becauſe, whilſt we were at War with a Nation that could make no Head againſt us at Sea, we ought to have taken the Opportunity to increaſe our Body of Seamen, by inſtructing and ſeaſoning Landmen to the Service, in order to provide againſt a Nation's entering into the War, that could make ſome Head againſt us at Sea. If we had done this, neither our Seamen nor our Trade would have been ſo much diſtreſſed, nor would the Enemy's Privateers have traverſed the Seas in Purſuit of our Merchant-men with ſo much Safety and Succeſs; and in a Year or two's time, we ſhould have ſo much increaſed our National Stock of Seamen, as to have very little to apprehend from the united Power of France and Spain. What the Event of the War may be, God only knows! I wiſh it may be ſucceſsful; but I muſt ſay, that, in my Opinion, we have not hitherto taken one right Meaſure in preparing for it, nor one vigorous Step in carrying it on.

Anno 13, Geo. II. 1739.

'But now, Sir, ſuppoſe France were already actually engaged in the War againſt us, I ſhall grant, that we ought

Anno 13, Geo II. 1739.

in that Caſe to have a greater Number of Land-Forces on Foot than we have at preſent; but ſhould thoſe Forces be kept at Home to defend us againſt Invaſions? No, Sir, as long as we are Maſters at Sea, with regard to Invaſions, we have almoſt as little to fear from France, as from Spain: Neither of them can invade this happy Iſland with any conſiderable Number of Troops, without a long and expenſive Preparation; which Preparation can be made no where, but in one of their Sea-Ports, and there we may ſend and deſtroy it, or lock it up, as ſoon as we hear of it, which we ſhall always do long before it can be ready to put to Sea. Even in this Caſe therefore, inſtead of keeping our Troops encamped or quarter'd at Home, we ought to ſend the greateſt Part of them on board our Fleet, or to our foreign Dominions, from whence they could eaſily make Incurſions or Invaſions upon the Enemy. For our Security here at Home, if we keep a ſtrong Squadron in the Channel, with a good Number of Ships ready to be put in Commiſſion, we ſhall never have Occaſion to be afraid of an Invaſion; and if we would but take a little more Care of our Militia, than we have done for many Years paſt, we ſhould always be able and ready to repel any ſudden Incurſion, nay more ready than we can propoſe to be any other way; for we cannot propoſe to keep 4 or 5000 regular Troops in each County; whereas, if Pains had not been taken to render our Militia deſpicable, in order to make a Standing Army neceſſary, the Militia of any one County in England would be able to encounter, and probably defeat ſuch a ſmall Number of Invaders, without the Aſſiſtance of our regular Army.

'Thus, Sir, it appears, that for the ſake of defending us againſt an Invaſion, we have not the leaſt Occaſion for keeping a Standing-Army of 28 or 29,000 Men here at Home; and therefore, as we have that Number now on Foot in this Iſland, we may eaſily ſpare to ſend 6 or 8000 of them to ſerve as Marines on board our Men of War. But now ſuppoſe we intend to make an Attack upon the Enemy, as I hope we do, the Gentlemen who have ſpoke upon the other Side of the Queſtion have told us, we cannot propoſe to ſend out any Troops for that Purpoſe before the End of next Summer. If this be the Caſe, why ſhould we raiſe any new Troops before the old are ſent out? It will then be time enough to conſider, whether it be neceſſary for us to replace them, and in caſe it ſhould, it may ſoon be done by new Levies, and in the mean time the Pay of a Number of uſeleſs Troops will be ſaved to the Nation. I hope we do not intend to ſend our new raiſed Troops, call them Marines, or what you will, upon any Expedition againſt

gainſt the Enemy. What will thoſe Gentlemen ſay, who have for many Years been telling us, that new-raiſed Troops are good for nothing, and that therefore we ought to keep a numerous Standing-Army always on Foot? How can theſe Gentlemen, I ſay, anſwer for it, if they ſhould now, in Time of War, ſend new-raiſed Troops upon the moſt dangerous Service, and keep at Home, where there is no Danger, thoſe Veterans, for whoſe Skill in martial Diſcipline the Nation has, for ſo many Years, paid ſuch large annual Sums of Money? Will it not then with Juſtice be ſaid, that our Veteran Troops are kept at Home only for a Raree-Show; and that our new-raiſed Troops are ſent Abroad againſt the Enemy, becauſe they cannot ſo handſomely dance thro' their Exerciſes at a Review? Anno 13, Geo. II. 1739.

'Sir, this may, perhaps, look a little ludicrous; but if we conſider what an Effect this Conſideration may have upon Men, who have any regard to their Honour, it muſt appear ſerious to every Man, who has a regard for our preſent happy Eſtabliſhment. In Tours of Fatigue, a Soldier, or a Regiment of Soldiers may excuſe their not being employed; but in Tours of Danger, eſpecially where Glory and Riches may be acquired, every Soldier, and every Corps of Soldiers, that have any Honour, muſt look upon it as an Affront, if they are not employed in their Turn. This, Sir, may make our Veteran Troops our greateſt Enemies; and by ſuch Means, that very Army, which, for ſo many Years, has been kept up for the Security of the Royal Family, may be the Cauſe of its Overthrow, and may produce as great a Revolution in this Kingdom, as ever a Mutiny of the Janizaries did in Turkey.

'For this Reaſon, Sir, as well as for the ſake of Succeſs, I hope our beſt Troops will be ſent out upon any Expedition we intend for attacking the Enemy, either in Europe or America. But I am ſurprized to hear Gentlemen ſay, we cannot propoſe to attack Spain in Europe, or ſend out any Expedition againſt them till the End of next Summer. I ſhall grant it is not our Buſineſs to attempt making any Conqueſts upon them in Europe; but is this a Reaſon why we ſhould not annoy them as much as poſſible, by making Incurſions, and plundering the Coaſts of their Dominions, even in Europe? Can they prevent this as long as we are Maſters at Sea? No, Sir; notwithſtanding the numerous Army they have, they cannot prevent it; becauſe a Fleet of Ships can ſail faſter from one Part of the Coaſt to another, than a Body of Troops can march; and therefore, if we had 7 or 8000 Land-Forces on board the Squadron we now have upon their Coaſts, they might often find an Opportu-

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nity to land, and ranſack a great Part of the adjacent Country, and to retire again with Safety on board their Ships, before the Spaniards could gather together a ſufficient Body of Troops to oppoſe them. By this Means, we might harraſs their Troops, and keep their whole Sea Coaſt in a perpetual Alarm; and, perhaps, find an Opportunity to deſtroy thoſe Works our Tameneſs ſome Years ſince allowed them to erect, within Cannon-Shot of Gibraltar.

'Is there any Reaſon to be aſſigned, Sir, for delaying to ſend Troops upon ſuch an Expedition, till the End of next Summer? Can a Reaſon be aſſigned for its not having been already done? I know that the Month of July, Auguſt, or September, is the proper Time for ſending out a Body of Land Forces to attack the Spaniards in America; and I likewiſe know, that, if we had followed the Example either of Queen Elizabeth or Oliver Cromwell, we ſhould have begun the War with ſuch an Expedition. I hope to ſee more vigorous and better-concerted Meaſures taken next Summer: I hope to ſee an Expedition ſent out for annoying the Spaniſh Dominions in Europe, and another for conquering ſome Part of their Dominions in America; but both, I think, may be undertaken without raiſing ſo much as one new Regiment; becauſe out of 28,000 Men, the Number of our regular Forces now on Foot in this Iſland, we may ſpare a ſufficient Number of Troops for both. As we have now ſuch a prodigious Navy at Sea, I do not think we have Uſe for a greater Number of Troops at Home, than we ever had in Times of the moſt profound Tranquillity; and therefore I think, we may ſpare to ſend at leaſt 16,000 againſt the Enemy, which is a ſufficient Number for both theſe Expeditions, and a ſufficient Number for any Occaſion we may have, as long as Spain ſtands alone in the War againſt us. If France, indeed, ſhould declare in favour of Spain, we muſt then augment our Land-Force both Abroad and at Home; but this we may eaſily and almoſt inſtantly do by new Levies, and by taking foreign Troops into our Pay; and, till this Event happens, we ought to ſave all we can, in order to be the better able to ſupport ſuch a heavy War, when it happens to break out.

'Frugality, Sir, is extremely neceſſary at the Beginning of every War; becauſe, after a War is once begun, no Man can tell when it will end. The preſent War may be of longer Continuance than ſome People imagine. I have more Fears that way, than I ſhall now explain. I ſhall now only ſay, that, if we accept of no Peace but an honourable one, the War will not, I believe, be ſoon over; and, therefore, we ought to take Care not to run ourſelves out

out of Breath in the Beginning of a long Courſe. Spite of the moſt vigorous and beſt-concerted Meaſures, the War may laſt for ſeveral Years, and may become much more heavy than it is at preſent; but, if our Meaſures ſhould hereafter be as much influenced by our Fears of an Invaſion, as they ſeem by this Debate to be at preſent, I may propheſy that we ſhall never be able to bring it to a happy or honourable Concluſion. If our Fears of an Invaſion at Home ſhould ſo much engroſs our Care and Attention, as to prevent our being able to take due Care of our Trade or Dominions Abroad, the War may, perhaps, end in the Deſtruction or Loſs of a great Part of both; which God, in his infinite Mercy, will, I hope, prevent; for, beſides the Ruin it would bring upon this Nation, it would very much endanger our preſent happy Eſtabliſhment, and conſequently the Proteſtant Religion, and the Liberties of Europe. Anno 13, Geo. II. 1739.

'For this Reaſon, Sir, we ought not to allow ourſelves to be induced, by groundleſs Fears, to be at the Expence of raiſing or keeping up more Forces, either at Home or Abroad, than are abſolutely neceſſary; and thoſe we do keep up ought to be employed in the moſt vigorous manner, and in thoſe Places where they can moſt annoy the Enemy, or contribute moſt to the Advantage of their Country. It is our Buſineſs in this Houſe to grant what Supplies are neceſſary for the public Service; but it is likewiſe our Buſineſs to adviſe his Majeſty to make uſe of the moſt frugal Methods, and even to point out thoſe Methods, which we think may be the moſt frugal and effectual. For this Purpoſe we ſtand in need of no ſecret Intelligence; and therefore, tho' we cannot preſcribe, we may give our Advice with regard either to Peace or War. This is our Duty; this is all that is attempted at preſent; and if doing our Duty in this reſpect is to be called Animoſity, it is a laudable Animoſity: It is ſuch an Animoſity as, I hope, will ever prevail in this Houſe. An Honourable Gentleman was pleaſed to make an Obſervation, that thoſe who have the right Side are generally the cooleſt in the Argument: I ſhall give him two for his one; tho' I am far from ſaying, that either of them is applicable to any Gentlemen in this Houſe. One is, that the Deceitful, who have a mind to impoſe upon the Underſtanding, are always extremely cool in their Arguments; and the other is, that the Advocate who ſpeaks for his Fee, ſeldom ſhews ſuch a natural Warmth, as the Man that ſpeaks in his own Cauſe. In this Houſe it would be in vain for any Man to attempt to impoſe, and I hope I ſhall never ſee any Man in it ſpeak for his Fee; but I do not at all

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all wonder to ſee a decent Warmth expreſſed; for I hope every Man thinks he ſpeaks in his own Cauſe, becauſe it is the Cauſe of his Country.

'The preſent Queſtion, Sir, is, I think, as much the Cauſe of my Country as any Queſtion that ever happened in this Houſe. The War we are now engaged in is, it is true, as yet but a Bauble: It is as yet a ſort of Toy we may play a little with; but it may become one of the moſt heavy and dangerous Wars this Nation was ever engaged in; and then we may have Cauſe to repent of every Shilling we needleſsly threw away at the Beginning. There is as great a Difference between being a Miſer and being frugal, as there is between being frugal and being prodigal. Frugality is the Mean which a wiſe Man will always chuſe, but the Fool generally launches out into Prodigality, in order to ſhun the Imputation of being a Miſer. In this War, I hope, we ſhall put ourſelves to no Expence for the ſake of Shew: We have had Raree-Shews enough already: I hope, we ſhall now make the beſt, the moſt effectual Uſe of every Squadron we fit out, and every Regiment we raiſe or keep on Foot; and I hope we ſhall neither fit out, nor raiſe or keep up any more than we have immediate Occaſion for. In Time of Peace, theſe expenſive Raree-Shews only prevented our paying off our old Debt; but in Time of War, they will make us contract new, and, by breaking our Credit, may bring ſudden Perdition upon the Nation.

'This, Sir, is one of the greateſt Dangers we lie expoſed to; and to obviate this Danger is the Intention of the Motion now under our Conſideration. It has no Relation to any Eſtimate: It relates only to his Majeſty's Speech, in which we are told, his Majeſty had judged it proper, that a Body of Marines ſhould be raiſed; therefore, we have no Occaſion to look into any Eſtimate; for this Motion might have been made and agreed to, tho' none of the Eſtimates had been laid before us. But I am ſurprized to hear any Gentleman ſay, that ſuch a Motion cannot come properly before us, till we take the Eſtimates into our Conſideration in the Committee of Supply. If it had been delayed till that Time, I am ſure, it would have been called a very preposterous Motion, perhaps, even by thoſe who now call it premature. In the Committee of Supply we muſt either approve of, or reject the Eſtimates: I hope the Gentlemen who now think this Motion improper, would not have us, when we go into the Committee of Supply, to reject the Eſtimate for Marines, in order to conſider of and agree to this Motion; and, I am ſure, it would be ridiculous to make or agree to ſuch a Motion, after we have approved of an Eſtimate

Eſtimate for raiſing the Marines by new Levies. But if this Motion ſhould now be agreed to, we may put off taking the Marine-Eſtimate into our Conſideration, till we have a Return from his Majeſty to this Addreſs; and if he ſhould approve of our Advice, he would certainly order a new Eſtimate, conformable thereto, to be laid before us. Anno 13, Geo II. 1739.

'The preſent is, therefore, the only proper Time for taking this Motion into our Conſideration; and as I have ſhewn, that we can have no Occaſion for ſuch a great Number of Land-Forces, beſides Marines, I think the Motion ought to be agreed to. I ſhall moſt readily join in Opinion, that a Body of Marines ought to be formed; and that it ought to be ſuch a one as may, upon Occaſion, be fit for Land as well as Sea-Service. But Gentlemen ſeem to miſtake the principal Deſign of having a Body of Marines: They ought to be principally deſigned to come in Aid of our national Stock of Seamen, and that we may not be obliged to draw away from our Trade too many of that neceſſary Body of Men. If this be, as it ought to be, the chief Deſign, there is no Occaſion for forming them into Regiments, or for putting ourſelves to the Expence of having any Generals or Field-Officers of Marines. Such Officers of Marines are no ways neceſſary for any Service, unleſs it be for the Service of Miniſters in this Houſe. The Expence of ſuch Officers is, therefore, what we may and ought to ſave to the Nation. It is an Expence in which we have been long moſt extravagant, even with reſpect to our Land-Army. We have long been at as great an annual Expence for our Land-Army, as would maintain double the Number, according to the Eſtabliſhment in any other Country of Europe. In France, it is true, as they have Officers *en Seconde*, they may have as many, perhaps more Officers than we; but the Pay of their Officers is not near equal to ours; and if it were, France would be but a bad Example for us. In that abſolute Monarchy, they have a great Number of Officers, in order to have a great Number of their Nobility employed in their Army, and thereby kept dependent upon the Crown.

'This, Sir, is the true Reaſon, why the French have ſuch a Number of Officers, and not, as an Honourable Gentleman has been pleaſed to aſſert, becauſe it makes their Troops ſuperior to the Germans; for it is not really ſo in Fact. In the laſt Age, the French Troops were better than the Germans, becauſe they were much better diſciplined; but now that the Germans are equally diſciplined, tho' not equally officered, they are rather better than the French, as appeared in the laſt War between theſe two Nations, when the French truſted

Anno 13, Geo II. 1739.

truſted more to their Numbers, or to their Art and Intrenchments, than to the Bravery of their Troops. But the very Reaſon that induces the French to have a great Number of Officers, ought to be a Reaſon for us to have as few as poſſible; for a great Number of Officers, whether Civil or Military, as they are all, by our preſent Conſtitution, in the Nomination, and moſt of them removable at the Pleaſure of the Crown, muſt create ſuch a Dependence upon, and thereby eſtabliſh ſuch a Power in the Crown, as is inconſiſtent with a free Government or limited Monarchy. I was really ſurprized to hear an Honourable Gentleman ſay, that he knows of no Alarm ſpread among the People by the great Number of Officers, Civil and Military, we have at preſent. One would from thence be apt to ſuſpect, that he keeps Company with none but Officers, Civil or Military; for I will venture to ſay, that no Man can go into any other ſort of Company, without hearing ſome of them expreſs their Fears upon this Head: And yet, from his ſaying, that we have no more Officers, Civil or Military, than are neceſſary for the Ends of Government, one would be apt to ſuſpect, that he knew very little of the Nature of thoſe many new Officers that have been of late Years created, or of thoſe old Officers that have been ſplit into ſeveral Parts, in order to increaſe the Number of Officers.

'Every Man, Sir, that knows any thing of our preſent Circumſtances, muſt know, that we have a vaſt Number of Places that are abſolute Sine-Cures; and theſe, I am ſure, can be neceſſary for no End of Government, whatever they may be for the Ends of Corruption. Of this ſort, Sir, was our late General of Marines; and in the ſame Light ſhall I look upon every General, Field-Officer, Pay-Maſter, Commiſſary, and Chaplain of Marines, that ſhall be hereafter created or revived. I know that Marines ought to be Men bred to Land, as well as Sea-Diſcipline; and for this Reaſon, Men who have already learned the Land-Diſcipline are more fit for Marines, eſpecially as we have immediate Uſe for them, than raw or freſh Men, that know nothing either of Land or Sea-Diſcipline. But Gentlemen, I find, miſtake the Land-Service, which Marines ought to be deſigned for: If Marines were to ſerve a whole Campaign at Land, and to be made a Part of a regular Land-Army, I ſhall grant, that they ought to be formed into Regiments, and be officered in the ſame manner as other Land-Forces are; but this is a Service that Marines ought never to be employed in: When ſuch an Army is to be formed, a ſufficient Number of Land-Forces ought to be ſent out for that Purpoſe. The only Land-Service that Marines ought to be deſigned

deſigned for, or employed in, is to ſupport our Seamen in ſtorming a Town or Caſtle, after a Squadron of Men of War has ſo battered and bombarded it, as to make an Aſſault practicable; or to make an Incurſion upon ſome open Country, where there are no regular Troops, or not ſuch a Number of regular Troops as can be called an Army, to oppoſe them; and for both theſe Services a Body of Marines, formed into independent Companies, are as good as if they were formed into regular Regiments. Anno, 13 Geo. II. 1739.

'For this Reaſon, Sir, if we are to raiſe 6 or 7000 Men, formed into ſix Regiments, and regularly officered as other Land-Forces are, I ſhall conſider them as Land-Forces, and as an Addition to our Land-Army. You may call them by that favourite Name, Marines, in order to put a Cheat upon the Public, which I think no way neceſſary upon the preſent Occaſion; but you cannot employ them as Marines: At leaſt if you do, the Field-Officers belonging to them will be quite uſeleſs, and their Pay an unneceſſary Expence to the Public, as long as their Regiments are employed as Marines. I ſhall readily agree to the forming a Body of 6000 Marines, or double that Number, if it ſhould appear to be neceſſary; but that Body ought, I think, to be formed into independent Companies, and brought in Aid of our national Stock of Seamen, in order, as I have ſaid, to prevent our being forced to draw too many Sailors away from our Trade; and, as we have immediate Occaſion to employ them at Land as well as Sea, the private Men ought, I think, to be drawn from the Regiments now in our Service, and our beſt and moſt experienced Captains and Subalterns appointed to command them. This is the Deſign of the preſent Motion, and therefore I cannot but approve of it.

'Having already troubled you too long, Sir, for which I beg Pardon, I ſhall conclude with obſerving, that, by the Method of arguing made uſe of in this Debate, by thoſe who have ſpoke upon the other Side of the Queſtion, they have not only condemned all the Arguments they have themſelves been making uſe of for theſe 20 Years, in favour of a Standing Army, but alſo they have condemned the Meaſures lately taken for manning our Navy. I believe, there is no experienced Officer in our Army, but will confeſs, that is requires longer Practice and more Pains to teach common Men a natural and quick Uſe of the Muſket and Bayonet, ſo as that they may exerciſe them in a Body regularly and without Confuſion, than to make them Maſters of all the Marches and Counter-Marches, for Involutions and Evolutions, that are practiſed in the moſt regular Army;

Anno 12, Geo II. 1739.

and accordingly at all Reviews we find, that Regiments oftener fail in their regular Firings, or in Charging and Diſcharging, than in any other Part of the Exerciſe: Therefore, if new-raiſed Men can in a few Days, or a few Weeks, ſufficiently learn the Uſe of the Muſket and Bayonet, which is the moſt difficult Part of Diſcipline, I am ſure, we have no Occaſion for keeping a Standing Army always on Foot; and however much we may neglect regular Firing on board our Men of War, I muſt take Notice, that when one of our late Spithead-Expeditions, for, I think, we have had ſeveral, was joined by a ſmall Squadron of Dutch Men of War, it was obſerved, that the Men on board the Dutch Ships were daily exerciſed in the Uſe of the Fire-lock, and that they charged and diſcharged as regularly and as quickly, as could be expected from regular Troops.

'Thus, Sir, have theſe Gentlemen condemned the chief Argument they have been making uſe of for theſe 20 Years in favour of a Standing Army; and by the Arguments they have now made uſe of in favour of Marines, and for our ſupplying that Service by new Levies, they have condemned the whole Tenor of our late Practice for manning our Navy. The Hon. Gentleman who ſpoke laſt, who has himſelf had ſome Experience in the Navy, has told us, there are many Services on board a Man of War that may, with a little Experience, be performed by Landmen as well as Seamen; and that this Experience may be ſoon acquired by a Fellow juſt come from the Plough, or by a Vagabond juſt pick'd up in the Streets. I believe what the Hon. Gentleman ſays to be true, as I ſhall be ready to do any Fact he advances: I believe a Ploughman or a Vagabond, if he be an able-bodied Man, may much ſooner learn to to hawl in an Anchor, or to perform any ſuch Service on board a Man of War, than he can learn the Uſe of the Fire-lock; but if this be ſo, why, accept of none, or a very few, for our Ships of War, but ſuch as were expert Seamen? Why, refuſe many able-bodied Vagabonds, that were pick'd up in ſeveral of our Counties, and ſent at a great Charge to the Sea-Ports, where our regulating Captains were poſted, and many able-bodied Landmen that came to offer themſelves to the Service? Why, offer no Reward to Landmen, as well as Seamen, that ſhould voluntarily come to liſt in his Majeſty's Service? Sir, what Inſtructions our regulating Captains had, I know not; but I know, that they refuſed or rejected a great many Landmen, and not a few Seamen: Whereas, in the Time of ſuch Diſtreſs, every Man that had no infectious Diſtemper upon him,

him, nor any natural Infirmity, ought to have been accepted. And if we had begun with forming a Body of Marines by Draughts from our regular Regiments, which his Majeſty might have done, as ſoon as he found a War unavoidable; we might have replaced them by new Levies, and might by this Time have had in the Weſt-Indies ſuch a Number of Marines, as would not only have taken, but held any Place we thought fit to attack; for as our Squadron in that Part of the World can meet with no Oppoſition at Sea, they might, as ſoonas they arrived, have ſent every one of their Marines upon ſome Expedition at Land; and as the Enemy has no regular Army there, a Body of diſciplined Soldiers, formed into independent Companies of Marines, would have been as fit for the Service, as the beſt and moſt regular Regiments we can ſend thither

Anno 13, Geo. II 1739.

'I think I have now anſwered every Objection that has been made to the Motion; I hope, Sir, I have given ſuch Arguments for it, as are convincing, and therefore, I hope, every Gentleman that hears me, will join with me in giving his Affirmative to the Queſtion.'

Sir Robert Walpole.

SIR,

Sir Robert Walpole,

'Whatever other Gentlemen may ſuppoſe with regard to the Speeches or Demands of their Sovereign, I think it is the Duty of his Majeſty's Servants, even tho' they be Members of this Houſe, to talk with great Reſpect of thoſe Speeches that are made by him, and of thoſe Demands that are made in his Name, as well as of thoſe Meſſages that are ſigned by him; and when they know, which ſome of them may do, that they are not the Speeches or Demands of Miniſters, but the real Speeches or Demands of their Sovereign and Maſter, they may, I think, make uſe of his Majeſty's Name, even in this Houſe, without incurring any juſt Cenſure. I know that no Member of this Houſe ought to have an implicit Faith in any Man, or in any Opinion: We ought to give Credit to no Fact, unleſs it be vouched by undoubted Evidence, or ſupported by proper Authority, in Caſes that will not admit of Evidence: Neither ought we to aſſent to any Opinion, unleſs it be eſtabliſhed by ſolid Reaſoning. But in State-Affairs, particularly in Time of War, Facts may ariſe, which may be certainly true, and may have ſufficient Vouchers, and yet thoſe Vouchers may be ſuch as cannot be laid before Parliament: In ſuch Caſes, we muſt depend upon his Majeſty's Authority; and the only Method by which that

Anno 13, Geo. II. 1739.

Authority can be communicated, is by Speech, Meſſage, or Demand.

'Every Gentleman will, I believe, Sir, allow, that deſigned Invaſions and Inſurrections are Facts of this Nature. There may be ſuch Deſigns, and more probably in Time of War, than at any other Time; there may be ſufficient Vouchers of ſuch Deſigns, and yet thoſe Vouchers may be ſuch as cannot be communicated to Parliament; therefore, had I not the leaſt Concern in the Adminiſtration, or in his Majeſty's Councils, I ſhould be apt to believe any Inſinuation of ſuch a Deſign, if ſuch an Inſinuation ſhould be made by his Majeſty, either in expreſs Terms, by Speech or Meſſage, or tacitly, by deſiring ſuch a Number of Forces as might be neceſſary for defeating or preventing the Execution of ſuch Deſigns. This ought at all Times to be an Argument of ſome Weight for prevailing upon us to grant the Number of Forces, both by Sea and Land, which our Sovereign may think neceſſary; but in Time of War, this Argument ought to have a much greater Weight; becauſe our Sovereign may then have in View, not only to defeat the ſecret Deſigns of our Enemies againſt us, but to execute ſome ſecret Deſigns againſt them.

'I ſhall admit, Sir, that it is our Duty in this Houſe to be jealous of the Liberties and Privileges of the People, and to be as ſparing of their Purſes, as is conſiſtent with their Welfare and Security. But both Jealouſy and Frugality may be puſhed too far: Jealouſy often prompts the Suſpected to that which would never have entered into their Heads, if they had not found themſelves cauſeleſsly ſuſpected; and by not giving a little to thoſe that are to defend us, we may have the Whole taken away by thoſe that are to attack us. I am certain, we had never leſs Cauſe to be jealous than we have at preſent: No one Step of his preſent Majeſty's Conduct could ever furniſh us with the leaſt Intimation of his having a Deſign to incroach upon our Liberties and Privileges, or to make a bad Uſe of the regular Troops we keep on Foot. Nay, if he had any ſuch Inclination, the Complexion of our preſent Army would prevent his indulging that Inclination, by forming Deſigns againſt our Liberties: The Education and known Sentiments both of the Officers and Soldiers of our Army, muſt convince us, that they are as great Enemies to arbitrary Power, as any other Set of Men in the Kingdom; therefore, I ſhall always look upon our Army as a Guard to our Liberties, and the more numerous it is, the better, I muſt ſuppoſe, our Liberties will be guarded.

'It

' It is not, Sir, from any Apprehenſions I have of our Army, with regard to our Liberties, that I am againſt its being made more numerous than is now propoſed. It is the Expence alone that gives me any Concern; and upon this Account only, I ſhall always be againſt our raiſing or keeping up a greater Number of Troops than I think abſolutely neceſſary for the Security of our Liberties, Privileges, and Properties. But my Concern, in this reſpect, I ſhall never allow to carry me ſo far, as to expoſe the People to be invaded and plundered by their Enemies, for the ſake of ſaving them that Trifle of Expence, which may be neceſſary for keeping on Foot a few more Troops, or for maintaining a few more Officers; and conſidering that the Saving to be made by what is now propoſed, would amount but to a mere Trifle, I ſhould never forgive myſelf for ſuch a trifling and ill-timed Frugality, if any Corner of our Dominions ſhould be plundered and laid waſte, for want of a ſufficient Number of regular Troops to repel an invading Enemy; or if the Marine Forces we ſend Abroad ſhould, upon any Engagement, run into Confuſion, and be deſtroyed, for want of Field-Officers to command them, and keep them in order.

' I know, Sir, it is our Duty in this Houſe, to give our moſt ſincere Advice to our Sovereign, as often as any important Occurrence makes it neceſſary; but, in order to give that Advice its proper Weight, we ought to take Care that it ſhall always be attended with Dignity; therefore, we ought not to interpoſe with our Advice too frequently, or upon trifling Occaſions; and we ought never to give it but upon full and mature Deliberation. The Affair now before us is, I think, of too trifling a Nature for us to interpoſe with our Advice, eſpecially as it has not been particularly aſked upon the preſent Occaſion; and I am ſure it cannot be ſaid, that we have fully and maturely conſidered what we are about. The Addreſs propoſed muſt be allowed to be ſomething very different from an humble Advice. As the Eſtimate for Marines, prepared by his Majeſty's Order, is now before us, this Addreſs will be looked on as a Condemnation of the Eſtimate; for if that Eſtimate be properly drawn up, if the Method thereby propoſed for raiſing Marines be the moſt proper and frugal that can be thought of, what Occaſion can there be for ſuch an Addreſs? If we approve of the Eſtimate, it would be ridiculous in us to preſent ſuch an Addreſs; therefore our agreeing to, or preſenting ſuch an Addreſs, muſt be conſidered as a Condemnation of the Eſtimate now before us; and I appeal to every Gentleman of this Houſe, whether he has ſufficiently examined that Eſtimate for enabling him to paſs Sentence of Condem-

Anno 13, Geo. II. 1739.

Condemnation upon it. Such a Sentence ought not, I think, to be paſſed till the Eſtimate has been actually read in the Houſe; but ſo far from being read in the Houſe, I believe, it has been read but by a very few Members of the Houſe; and therefore, if no Gentleman give his Vote for the Addreſs or Sentence of Condemnation propoſed, but he that has read the Eſtimate, I believe, I may eaſily gueſs what will be the Fate of the Queſtion.

'Sir, I hope I may ſuppoſe, that, in order to fix upon the moſt proper Methods for raiſing and forming a Body of Marines, thoſe who have the Honour to adviſe the Crown took Care to examine the ſeveral Eſtabliſhments of Marines made in former Times, and the ſeveral Services they were employed in; and as there are ſeveral Perſons ſtill alive, who were in the Service in King William and Queen Anne's Time, I may ſuppoſe that thoſe Perſons were examined, in order to know, from them, how the Marines performed the Services they were employed in, and the Defects or Advantages that were found in the Eſtabliſhments then made. This, I muſt ſuppoſe, was done by thoſe who have the Honour to adviſe the Crown, before they could think themſelves qualified for giving a proper Advice; and this I think we ought to do, before we can agree to ſuch a Motion as the preſent. But can it be ſaid, that we have made any ſuch Enquiry, that we have examined any one Perſon, or that we have before us any one of thoſe Papers, which we ought to look into, before we preſume to give his Majeſty any Advice upon this Head? Therefore, this Addreſs, call it an Advice, as ſome Gentlemen pretend it is, or call it a Condemnation of the Eſtimate now before you, as I think it really is; in ſhort, call it what you will, it cannot be ſaid to be the Effect of a mature Deliberation; and therefore, it cannot be attended with that Dignity, which we ought carefully to preſerve in all our Applications or Approaches to the Crown.

'For this Reaſon, Sir, if I approved of the Advice propoſed, I could not approve of this haſty and inconſiderate manner of reſolving upon it; but the Advice itſelf is ſuch a one as I cannot approve of. It is to me, indeed, a very new ſort of Doctrine, that, in Time of War, we have no Occaſion to keep within the Iſland a greater Number of Troops, than in a Time of the moſt profound Tranquillity. When we are at open War with a Nation that has a conſiderable Navy, tho' nothing equal to ours; when that Nation had a great Number of Veteran Troops in their Provinces that are next to us; and when they are every Day both fitting out Men of War and Tranſports, I ſhould think it very

very unwiſe in us, not to keep at Home, for our Defence, a more numerous Army than we uſually have in Time of Peace. We may deſpiſe the naval Power of Spain in our Speeches and Converſation here at Home: I ſhall grant, it is no way equal to ours: I ſhall grant, they have but few Ships of their own fit for being made Tranſports; but there is always a great Number of foreign Ships in their Harbours: Before the War broke out, there were often more Britiſh Merchant Ships in their Harbour of Cadiz alone, than would have been ſufficient for tranſporting 10,000 Foot to Britain or Ireland; and as that Trade muſt ſtill be carried on, and will now be carried on by the Merchant Ships of Holland, France, and other Nations, we muſt ſuppoſe, that there will always be more foreign Ships in the Ports of Spain, than are neceſſary for tranſporting 10 or 12,000 Infantry to this Iſland or to Ireland. Theſe Ships the Court of Spain may, by an Embargo, force into their Service; and as our Fleet may be locked up in the Channel by contrary Winds, it may be impoſſible for us to ſend out a Squadron, either to intercept their deſigned Armado, or to lock it up or deſtroy it in their Harbour. This is an Accident we can provide againſt no other way, but by having at all times a Land Army equal to any they can invade us with, for oppoſing them at, or ſoon after their landing; and therefore, I ſhall always be for keeping a more numerous Body of Troops within the Iſland in Time of War, than was ever thought neceſſary in Time of Peace. Anno 13, Geo II. 1739.

But beſides the Number of Troops neceſſary to be kept at Home, for guarding us againſt Invaſions or Incurſions, ſurely, Sir, in Time of War, we ought to have ſome certain Number of regular Troops ready to be ſent out upon ſuch Deſigns againſt the Enemy, as future Incidents may encourage us to undertake. As the Winter-Time is the beſt for attacking the Enemy in America, we cannot, perhaps, ſend out any Land-Forces for that Purpoſe before the Month of July next; but there are other Places where we may, perhaps, attack the Spaniards with Advantage to ourſelves, and great Prejudice to them; and, for this Purpoſe, it may be proper to ſend out a Body of diſciplined Troops early in the Spring. I do not know that his Majeſty has, at preſent, any ſuch Project in view; but, ſuppoſe he has not, yet many Accidents may occur before that time, for rendering the Succeſs of ſuch a Project not only probable but certain; and could any one approve of our Conduct, if we ſhould loſe ſuch an Opportunity, by not having a ſpare Body of Land-Forces ready to be ſent upon the Execution? Could the ſaving of 80 or 100,000l. which is the utmoſt we can ſave

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ſave by what is now propoſed, any way counter-balance the Advantage we might reap by the Succeſs of ſuch a Deſign?

'I cannot pretend to ſay, Sir, whether this War can be of a long Continuance or no; but, I am certain, that the moſt infallible Method we can take, for making it of a long Continuance, is to be ſo parſimonious at the Beginning, as not to make the proper Proviſion for carrying it on with Vigour. We are told, by the higheſt Authority, that they who go to War ought to conſult, whether they be able with 10,000, to meet thoſe who come againſt them with 20,000. But, it ſeems, we muſt be able to do a great deal more; for with 28,000 Land-Forces, we propoſe to overcome Spain with above 100,000. It is true, our Navy is much ſuperior to theirs; but, by our Navy alone, we cannot propoſe to force them to a Peace: We muſt attack them at Land ſome where or other; and, for this Purpoſe, we muſt have a ſufficient Land-Force. I believe they have not at preſent any great Number of regular Troops in the Weſt-Indies, and we may prevent their ſending a great Fleet and Army there at one time; but we cannot prevent their ſending ſmall Detachments in ſingle Ships, or in half a dozen Ships at a time; and, by ſuch means, they may conſiderably increaſe their regular Troops in the Weſt-Indies, even before we can ſend any to attack them. It is, therefore, now impoſſible to tell, what Number of Troops it may be neceſſary for us to ſend thither, either for attacking the Enemy, or defending our own Dominions, in that Part of the World; and, if we ſend Veteran Troops thither, the new-raiſed Troops that are to replace them here at Home, ought to be levied ſome Months before, in order that they may be trained to Diſcipline, and ready for Service, before we ſend away the old; for tho' we ought, and certainly muſt ſend out Troops for attacking the Enemy, or defending our Dominions Abroad, I hope no Gentleman will ſay, that we ought, for that Purpoſe, to leave our Dominions at Home defenceleſs.

'I ſhall not ſay, Sir, that a Body of 28 or 29,000 Men is abſolutely neceſſary for our Defence at Home; but, I will ſay, that we ought to have that Number at leaſt, beſides the Marines now propoſed to be raiſed, in order to be in a Condition to ſpare 8 or 10,000, as Occaſion may require, for diſtreſſing the Enemy, or defending our Dominions Abroad. And now, Sir, with regard to the Method of raiſing and forming the Body of Marines propoſed, as no Gentleman queſtions its being neceſſary to make them fit for Land as well as Sea-Service, I am ſurprized to hear any Gentleman ſay, that they ought to be formed into independent Companies, rather than Regiments. I believe, every Gentleman

Gentleman that has ever ſeen any Service, will ſay, that a Body of Men formed into Regiments, are better for Land-Service, and leſs liable to Confuſion, than a Body of Men formed into independent Companies; and this is confirmed by the preſent Practice of every State in Europe. In little Attacks and Skirmiſhes, where there are not above 2 or 300 Men of a Side, independent Companies may do as well as a Detachment from a Regiment; but where the contending Armies amount to Thouſands, it is certain, that Regiments are more proper than independent Companies; and, as this laſt may very probably be the Caſe of our Marines, I muſt think they ought to be formed into Regiments. I ſhall grant, that, whilſt thoſe Regiments are on board our Men of War, the Field-Officers can be of no Service; but I hope they will ſeldom be for any long time on board our Men of War: They will be there only during the time of tranſporting them from one Place to another; and wherever they go, the Field-Officers muſt go along with them, in order to take the Command of them as ſoon as landed: Therefore, I hope, no Gentleman will grudge the Expence of 18 or 20 Field-Officers, when it comes in Competition with the Behaviour of our Troops and the Glory of our Country. Anno 13, Geo. II. 1739.

'Now, Sir, as to the other Officers, if Gentlemen will but take time to look into the Eſtimate upon our Table, and compare it with former Eſtabliſhments of the ſame Nature, they will ſee that the Body of Marines, now to be raiſed, is to have no more Officers of any kind than former Experience has ſhewn to be neceſſary. I know, that the Marines raiſed in 1692, had 200 Men in each Company; but Experience ſoon ſhewed, that ſuch Companies were not fit for Land-Service, therefore they were reduced long before King William's Death to 100 Men in a Company; and in 1702, the Marines that were then raiſed, conſiſted but of 60 Men in a Company; whereas, by the Eſtimate upon our Table, if I may have leave to mention an Eſtimate not yet read in the Houſe, the Marines now to be raiſed, are to conſiſt of 70 Men in a Company, which is the higheſt Number that, as all experienced Officers ſay, any Company of Foot ought to conſiſt of.

'Laſtly, Sir, as to the private Men, of which this Body of Marines is to be compoſed, I muſt think his Majeſty is the beſt Judge, whether they ought to be all new-raiſed Men or old Soldiers, or partly one and partly the other; becauſe he knows beſt what Service they are to be ſent upon, and when they are to be ſent. If they are not to be ſent out till four or five Months after they are raiſed, it does not ſignify much, whether they be all new-raiſed Men or no, becauſe, in

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that time, they will be pretty well diſciplined; eſpecially if they are to be ſent to the Weſt-Indies, becauſe they will have no Enemy to encounter there, but the Militia of the Country, or ſome of the worſt of the Spaniſh Troops; for, whatever we may do, I am confident the Spaniards will keep their beſt Troops at Home to defend their Mother-Country. If the private Men ſhould be all draughted out of the Regiments now in our Service, it would be a Loſs rather than a Saving to the Nation; becauſe an equal Number of Recruits muſt be immediately raiſed, for completing thoſe Regiments, from which the Marines are draughted; and, as it will be more difficult to find Recruits for Marching-Regiments than for Marines, we muſt give a greater Reward for enliſting. Thus, if we chuſe the cheapeſt way of forming a Body of Marines, we muſt take as many new-raiſed Men as his Majeſty may think conſiſtent with the Service upon which he is to ſend them; and, I am ſure, it will be the quickeſt; for a great many Fellows that called themſelves Seamen, have been rejected or turned out of our Men of War, becauſe they were found not to be expert Seamen, nor any way fit for their Buſineſs. Theſe Men will all immediately liſt as Marines, and will make good Marines, tho' they could not be accepted of as good Seamen; for tho' a Captain of a Man of War, after he has got a ſufficient Number of expert Seamen on board his Ship, may accept of able-bodied Landmen or Seamen, that are not expert in their Buſineſs, in order to make up his full Complement, yet the regulating Captains could accept of very few but expert Seamen, becauſe they could not know how they were to be diſpoſed of; and by accepting of too many Landmen, or unſkilful Seamen, ſuch a Number of them might, by Accident, have been put on board one of our Men of War, as might have been the Cauſe of loſing the Ship.

'Upon this Occaſion, Sir, I muſt deſire, that Gentlemen would conſider, which of the two Services, the Public or the Merchant-Service, ought, in Time of public Danger, to be preferred. As we do not, in Time of Peace, keep a Number of Seamen in Pay, ſufficient for manning our Navy in Time of War, when a War firſt breaks out, the Public-Service muſt be neglected, or the Merchant-Service muſt be diſtreſſed. This is a Conſequence which it is impoſſible to avoid, any way, but by keeping in continual Pay ſuch a Number of Seamen, as may be near ſufficient to man the moſt numerous Fleet we have occaſion to fit out in Time of War; and until this is done, I am ſure, every Gentleman that has a true regard for his Country, will chuſe to have a ſhort Stop or Interruption put to our Trade, rather than to have our

Whole

Whole expoſed to imminent Danger, by not fitting out ſuch a Number of Men of War as may be ſufficient for our Defence. Anno 13. Geo. II. 1739.

'I hope, I have now ſhewn, Sir, that, were the Advice, propoſed to be given by this Addreſs, in itſelf right, it would be wrong in us to give it without a more mature Deliberation; and, I hope, I have likewiſe ſhewn, that it appears to be wrong in every Particular. I am ſure, no Gentleman that thinks I am right in either of theſe Caſes, can give his Affirmative to the Queſtion; and I ſhall think myſelf very unlucky, if the Majority of this Houſe ſhould think I am wrong in both. As for the declamatory Excurſions that have been made about the Alarm given to the People by the great Number of Officers, Civil and Military, we have at preſent, and about the Danger our Liberties and Conſtitution may be expoſed by corrupt Practices, they may be, and I find they are, introduced into every Debate; but as it would be an endleſs Taſk to anſwer them upon every Occaſion, all I ſhall ſay to them upon this, is, that we are here in the proper Place for enquiring into ſuch Things: If any Gentleman knows of an unneceſſary Office that has been lately ſet up, or an unneceſſary Officer appointed; if any Gentleman knows of any Attack that has been lately made, or attempted, upon our Conſtitution; or if any Gentleman knows of any corrupt Practices lately introduced, or made uſe of, he may, nay, as a Member of this Houſe, which is the grand Inqueſt of the Nation, he is in Duty bound to take notice of it to the Houſe: But then he ought to be particular: He ought to name the Office or Officer ſet up or appointed, the Attack that has been attempted, or the corrupt Practice that has been made uſe of; and he ought to move for an Enquiry into what he finds fault with; for by thus declaiming in general, he can do no Service to his Country, he can give the Houſe no Information, nor correct any Abuſe. He does nothing but take up the time of this Houſe moſt unneceſſarily; for he cannot expect that ſuch general Declamations, tho' they may pleaſe the Galleries, ſhould have an Influence upon any Gentleman that has the Honour of being a Member of the Houſe; and much leſs can he expect their having ſuch an Influence in this Queſtion, where the vigorous Proſecution of the War is at Stake, than in any Queſtion of a different Nature that can come before us.'

The Queſtion was then put and paſſed in the Negative, Ayes 95, Noes 177.

The 25th, Reſolved, That an humble Addreſs be preſented to his Majeſty, for a Copy of an Eſtimate of the

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Eſtabliſhment of the ſix Regiments of Marines for the Year 1740, to be laid before them.

The 29th. A Motion was made, and the Queſtion being put, that his Majeſty be addreſſed for Copies or Extracts of ſuch Memorials, or Repreſentations, as have been made to the King of Spain, or his Miniſters, from the Treaty of Seville to the 9th of March 1738, relating to Spaniſh Depredations: It paſſed in the Negative.

A Motion was made, and the Queſtion being put, to Addreſs his Majeſty, for Copies or Extracts of all Letters written, and Inſtructions given by the Secretaries of State, &c. to any of the Governors of the Britiſh Plantations in America, &c. from the Treaty of Seville to the firſt of January 1738, relating to the Spaniſh Depredations: It paſſed in the Negative, Ayes 55, Noes 95.

A Motion was made, and the Queſtion being put, to Addreſs his Majeſty, for Copies of all the Inſtructions and Letters ſent to Mr. Keene by his Majeſty's Miniſters, authorizing him to conclude and ſign the Convention between his Majeſty and the King of Spain, on the 14th of January 1738 9, N. S. It paſſed in the Negative, Ayes 98, Noes 172.

The 30th. Read a firſt time the Malt Bill.

Received an Account of the Eſtabliſhment of the ſix Regiments of Marines in 1704.

Agreed to the Report of Wedneſday's Reſolutions, viz.

Reſolved, That 28852 Men be granted for Land-Forces for the Service of the Year 1740.

That 860,150 *l.* 10 *s.* 4 *d* ½ be granted for maintaining them.

Reſolved, That 4890 Men be employed as Marines for the Service of the Year 1740.

That 118,214 *l.* 1 *s.* be granted for raiſing and maintaining them from October 25, 1739, to December 24, 1740.

Dec. 3d. Read a ſecond time the Malt-Bill.

The 4th, Agreed to the Report of Yeſterday's Reſolution, in a Committee on Ways and Means, viz. Reſolved, That towards raiſing the Supply granted to his Majeſty, the Sum of four Shillings in the Pound be raiſed as Land-Tax for 1740. And a Bill was Ordered in accordingly.

Read a ſecond time the Bill for the more effectual ſecuring and encouraging the Trade of his Majeſty's Britiſh Subjects to America, and for the Encouragement of Seamen to enter into His Majeſty's Service.

The 5th, Read a firſt time the Land-Tax Bill.

In

In a Committee, went through the Malt-Bill, with ſeveral Amendments.

The 6th. Agreed to the Report of the Malt-Bill, and ordered it to be engroſſed.

Read a ſecond time the Land-Tax Bill.

The 7th. Read a third time and paſſed the Malt-Bill.

In a Committee went through the Land-Tax Bill, with ſeveral Amendments.

The 10th, Read a firſt time a Bill, for the better Supply of Mariners and Seamen, to ſerve in his Majeſty's Ships of War, and on board Merchant-Ships, and other Trading Veſſels, and Privateers.

Received a Petition from the South Sea Company, againſt the Bill for the more effectual ſecuring and encouraging the Trade of his Majeſty's Britiſh Subjects to America, and for the Encouragement of Seamen.

Received a Petition of William Mitchell Eſq; complaining of an undue Election and Return for the County of Huntingdon. Which was ordered to be heard at the Bar of the Houſe upon the 14th of January.

Agreed to the Report of the Land-Tax-Bill: And ordered it to be engroſſed.

The 11th. Read a ſecond time a Bill for better Supply of Mariners and Seamen.

The 12th. Read a third time, and paſſed the Land-Tax-Bill.

Went thro', in a Committee, the Bill for better Supply of Mariners and Seamen, with ſeveral Amendments.

The 13th. Agreed to the Report of the Bill for better Supply of Mariners and Seamen, and ordered it to be engroſſed.

The 14th. Received ſeveral Eſtimates of Accounts.

Read a third Time and paſſed a Bill for better Supply of Mariners and Seamen to ſerve in his Majeſty's Ships of War, and on board Merchant Ships, and other Trading Veſſels, and Privateers.

The 17th. In a Committee of the whole Houſe upon the Bill for the more effectual ſecuring and encouraging the Trade of his Majeſty's Britiſh Subjects to America, and for the Encouragement of Seamen to enter into his Majeſty's Service; it was moved that a Clauſe be added to impower the Lords of the Admiralty to impreſs one Man out of five, out of the Merchant-Ships trading to *America*, which, after ſome Debate, paſſed in the Affirmative, on a Diviſion, Ayes 86, Noes 60.

They alſo took into Conſideration, the Petition of the South Sea Company, claiming the ſole Trade to America within

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within the Limits, as preſcribed in their Charter. And went thro' the Bill, and made ſeveral Amendments to the ſame*.

The 18th. A Motion was made, and the Queſtion being put, that the Houſe be called over upon the 16th of January.

It paſſed in the Negative, on a Diviſion, Ayes 61, Noes 136.

The 19th. Agreed to the Report of the Bill, for the more effectual ſecuring our Trade to America, and for the Encouragement of Seamen, with the Amendments. And ordered it to be engroſſed.

The 20th. The Houſe took into conſideration, an Amendment made by the Lords to the Bill for the better Supply of Mariners and Seamen to ſerve in his Majeſty's Ships of War, and on board Merchant Ships, and other Trading Veſſels and Privateers †. And agreed to the ſame.

His Majeſty came to the Houſe of Peers, and gave the Royal Aſſent to the Malt-Act, to the Land-Tax Act, to the Act for the better Supply of Mariners and Seamen, and to one private Act.

Read a firſt time, a Bill for Naturalizing ſuch foreign Proteſtants, as are ſettled, or ſhall ſettle, in any of his Majeſty's Colonies in America.

Read a third time and paſſed a Bill, for the more effectual ſecuring and encouraging the Trade of his Majeſty's Britiſh Subjects to America, and for the Encouragement of Seamen to enter into his Majeſty's Service. Ordered it to the Lords.

Reſolved, That an humble Addreſs be preſented to his Majeſty, that a Liſt of all the Officers of his Majeſty's Forces, on the Britiſh and Iriſh Eſtabliſhment, with the Dates of their firſt Commiſſions, may be laid before them. And then the Houſe adjourned to the 8th of January.

January 8th. Ordered, That ſeveral Eſtimates of Accounts, relating to the Debt of the Navy, &c. for the Year 1739, be laid before them. Adjourned to the 14th of January.

The 14th. Received a Petition from the Commiſſioners of Weſtminſter-Bridge, giving an Account that they had diſpoſed of great Part of the Sums already granted them, and

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* *The Bill took up five Days Conſideration in a Committee of the whole Houſe.*

† *This Bill Naturalizes all Foreigners who will ſerve as Seamen in the Britiſh Service for two Years certain.*

and thereupon praying for ſuch further Powers and Sums as the Houſe ſhall judge moſt proper, &c. Referr'd to a Committee. Anno 13, Geo II. 1739.

Ordered the Thanks of the Houſe to be given to the Reverend Dr. Barton, for his Sermon preach'd before them upon the 9th Inſtant, being the Day appointed for a General Faſt, and that he be deſired to print the ſame.

Read a ſecond time a Bill for naturalizing ſuch foreign Proteſtants as are ſettled, or ſhall ſettle, in any of his Majeſty's Colonies in America.

Heard Counſel upon the Petition of William Mitchell, Eſq; againſt Charles Clarke, Eſq; returned duly elected for the County of Huntingdon, relating to his Qualifications, which being fully proved, Mr. Clarke was declared duly elected.

The 15th, Read a firſt time a Bill for prohibiting Commerce with Spain.

Ordered ſeveral Accounts relating to the Proceedings of the Commiſſioners of Weſtminſter-Bridge to be laid before them.

The Houſe proceeded to the Hearing of the Matter of the Petition of Charles Vanbrugh Eſq complaining of an undue Election and Return for the Borough of Plymouth in the County of Devon. And the Counſel on both ſides were called in: And the ſaid Petition was read. And the laſt Determination of the Houſe, concerning the Right of electing Burgeſſes to ſerve in Parliament for the ſaid Borough, made the 9th of June 1660, which was then reſolved to be in the Mayor and Commonalty of the ſaid Borough, was alſo read.

Then the Counſel for the Petitioner were heard, and inſiſted that the Word Commonalty, in the ſaid laſt Determination, extends only to the Freemen of the ſaid Borough, excluſive of the Freeholders thereof. Which being denied by the Counſel for John Rogers, Eſq; the ſitting Member, who inſiſted that the Word Commonalty includes the Freeholders of the ſaid Borough; the Counſel for Captain Vanbrugh the Petitioner proceeded to give Evidence, in ſupport of their Conſtruction of the ſaid Word. And a Charter granted by K. William III. and ſeveral Copies of Returns were read; and the Queſtion being put, That the Counſel for the ſitting Member be admitted to produce in Evidence a public Book of the Corporation of Plymouth, containing Abſtracts of Leaſes granted by the ſaid Corporation, and ſeveral other Matters; in which Book, the ſaid Counſel alledge, there is a Memorandum of a Form, made in the Year 1676, by the then Town-Clerk of the ſaid Corporation,

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poration, of a Return of Members to ſerve in Parliament for the ſaid Borough of Plymouth, but with a Memorandum alſo in the ſaid Book, that the ſaid Form was not made uſe of, but the old Form uſed: It paſſed in the Negative.

The 16th. Petitions from the unhappy Priſoners for Debt in the Wood-ſtreet-Compter, York, Stafford, and Marſhalſea Southwark, were ſeverally preſented to the Houſe, and read, complaining of their Diſtreſs, and praying Relief. And they were ſeverally ordered to lie on the Table. In a grand Committee on the Supply, came to ſeveral Reſolutions.

The 17th. Agreed to the Report of Yeſterday's Reſolutions on the Supply, viz. reſolved that 260,203l. 2s. 1d. ½. be granted for maintaining his Majeſty's Forces and Garriſons in the Plantations, Minorca and Gibraltar, and for Proviſions for the Garriſons at Anapolis Royal, Canſo, Placentia, Gibraltar and Georgia, for 1740.

That 3998l. be granted for maintaining the Widows of ſuch reduced Officers of his Majeſty's Land-Forces and Marines who died upon the Eſtabliſhment of Half-pay in Great Britain, and who were married to them before the 25th of December 1716, for 1740. That 94,071l. 11s. 3d. be granted for the Charge of the Office of Ordnance for Land-Service, for 1740. That 46,362l. 13s. 5d. be granted for defraying the extraordinary Expence of the Office of Ordnance for Land-Service, not provided for by Parliament. That 20,000l. be granted to replace to the Sinking-Fund, the like Sum paid out of the ſame to the Bank of England for one Year's Intereſt on 500,000l. lent on the Credit of the Salt-Duty towards the Supply of 1735.

That 586l. 18s. 9d. be granted to replace to the Sinking-Fund, the like Sum paid out of the ſame, to make good the Deficiency of the Stamp Duties at Chriſtmas 1738.

That 58,333l. be granted on Account of Subſidy payable to the King of Denmark, purſuant to a Treaty dated the 14th of March, N. S for 1740.

Then the Houſe proceeded to the further Hearing of the Matter of the Petition of Charles Vanbrugh, Eſq; complaining of an undue Election and Return for the Borough of Plymouth in the County of Devon. And the Counſel were called in: And the Counſel for the ſitting Member proceeded in their Evidence, in ſupport of their Conſtruction of the Word "*Commonalty*" in the laſt Determination of the Houſe, concerning the Right of electing Burgeſſes for the ſaid Borough, made the 9th Day of June 1660.

And the Report from the Committee of Privileges and Elections, in the Reign of William and Mary, was read. And the Counſel on both Sides were directed to withdraw.

Reſolved,

Reſolved, That in the laſt Determination of this Houſe, of the Right of Election of Members to ſerve in Parliament for the Borough of Plymouth in the County of Devon, made the 9th Day of June 1660, which is as followeth, "That the Mayor and Commonalty of Plymouth, have "Right to elect Members to ſerve in Parliament for that "Borough; it appears to this Houſe, that the Word *Commonalty*, therein mentioned, extended to the Freemen only of the ſaid Borough. And the Queſtion being put, That John Rogers, Eſq; is duly elected a Burgeſs to ſerve in this preſent Parliament for Plymouth: It paſſed in the Negative, upon a Diviſion, Ayes 119, Noes 180. Reſolved, That Charles Vanbrugh, Eſq; is duly elected, &c. Anno 13, Geo. II 1739.

The 18th. Received ſeveral Accounts from Greenwich-Hoſpital, how the Money for the Year 1739 had been expended.

The 19th. Read a firſt time, a Bill to indemnify Perſons, who have omitted to qualify themſelves for Offices, within the Time limited by Law, and for allowing a further Time for that Purpoſe.

Agreed to the Report of Friday's Reſolution, in a Committee on Ways and Means, viz. Reſolved, that 88,722l. 7s. 10d. now remaining in the Exchequer, being the Overplus of the Grants for 1739, be iſſued and applied towards making good the Supply granted to his Majeſty in this Seſſion of Parliament.

In a grand Committee, went thro' the Bill for naturalizing ſuch foreign Proteſtants as are ſettled, or ſhall ſettle, in any of his Majeſty's Colonies in Amrica.

Read a ſecond time, a Bill for prohibiting Commerce with Spain.

Received Petitions from Priſoners confined for Debt in the Jails of Norwich, Lincoln, Worceſter, and Norfolk, praying Relief: And they were ordered to lie on the Table.

The 23d. Agreed to the Report of the Bill for naturalizing ſuch foreign Proteſtants as are ſettled, or ſhall ſettle, in any of his Majeſty's Colonies in America, with ſeveral Amendments. And ordered the Bill with the Amendments to be engroſſed.

The 24th. Read a firſt time the Bill to explain and amend an Act for preventing Abuſes and Frauds in the Woollen, Linnen, Cotton and Iron Manufactures.

Read a ſecond time the Bill to indemnify Perſons who have omitted to take the Oaths, &c.

The 25th. Read a third time, and paſſed the Bill for naturalizing foreign Proteſtants, who ſhall ſettle in America.

Agreed to the Amendments made by the Lords to the

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Bill for ſecuring and encouraging our Trade to America, and for the Encouragement of Seamen to enter into his Majeſty's Service, with an Amendment. To which Amendment the Houſe deſired the Concurrence of their Lordſhips.

The 28th. Agreed to the Report of Friday's Reſolutions in a Committee on the Supply, viz.

Reſolved, that 33,429l. be granted, for raiſing and maintaining 2040 Men, Officers included, to be added to the ſix Regiments of Marines for 1740.

That 2450l. be granted for maintaining one Company of Invalids to be forthwith raiſed, and for making an Addition of twenty Men to each of the four Companies of Invalids raiſed in November 1739, in all to 181 Men for 1740.

That 10,347l. be granted upon Account for Out-Penſioners of Chelſea Hoſpital for 1740.

Debate on the Place-Bill.

The 29th. The Members having been firſt ſummoned from the Hall, Court of Requeſts, &c. by the Serjeant with the Mace, Samuel Sandys, Eſq; ſtood up, and expreſſed himſelf in Subſtance as follows:

SIR,

Samuel Sandys, Eſq;

'I am now going to lay before you a Propoſition, which has already been ſeveral times made to you, without meeting with that Succeſs, which I thought it deſerved; but as I think it a good one, and abſolutely neceſſary for the Preſervation of our Conſtitution, I am far from being diſcouraged by its former bad Succeſs, nor ſhall I be diſcouraged from a future Attempt, even tho' it ſhould now meet with as bad a Reception as heretofore; becauſe I am fully convinced of the Truth of that Obſervation, which was long ago made by one of our beſt Lawyers, that a good Bill or Motion once propoſed in Parliament, and entered upon our Journals, can never die: It may at firſt meet with bad Succeſs: It may meet with repeated bad Succeſs; but, unleſs our Conſtitution be abſolutely and irrecoverably deſtroyed, it will by its own Merits at laſt force its way thro' the ſeveral Branches of our Legiſlature.

'The Propoſition I am to make, Sir, is plainly, and in ſhort this, that Criminals may not be allowed to be their own Judges, and that our Liberties may not be committed to the Keeping of thoſe, who are retained to deſtroy them. It is the Duty of Parliament to redreſs all public Grievances, and puniſh all high and heinous Offenders who have been artful or powerful enough to evade the Laws of the Kingdom. It is the Duty of Parliament to grant no more Money for the Public-Service, than what is abſolutely neceſſary, and to ſee that Money properly applied, and duly accounted for: And

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it is the Duty of Parliament to watch over the Liberties and Privileges of the People, by taking care not to paſs any Laws that are inconſiſtent with the Liberties and Privileges of the People, and by providing ſpeedy and effectual Remedies againſt all Encroachments that have been, or may be, made by ambitious Princes, or guilty Miniſters. Theſe, Sir, are among the chief of the Duties of Parliament; but how can we expect a Performance, if a Majority of the Members be ſuch, whoſe Self-preſervation or Security depends upon their neglecting, or acting contrary to theſe Duties? Can we expect, that public Grievances will be redreſſed, if a Majority of Parliament be ſuch as have themſelves been, or ſuch as are the Friends and Confederates of thoſe that have been the Cauſe of theſe public Grievances? Can we expect, that any high Offender will be puniſhed by Parliament, if the Majority of it be ſuch as have been Companions and Sharers with him in his Crimes, or ſuch whoſe chief Subſiſtence depends upon ſcreening him from Juſtice? Can we expect, that any Supply demanded by the Crown will be refuſed, if it is to be granted by thoſe, whoſe chief Subſiſtence depends upon making the Grant; or that the Public Money will be properly applied, or duly accounted for, if thoſe that have applied, or may apply, it to their own Uſe, are to be the only Inſpectors of the public Accounts? Or laſtly, Sir, can we expect, that a Parliament will guard againſt the Encroachments of an ambitious Prince, or guilty Miniſter, if the Majority of that Parliament be ſuch as have the Whole, or a neceſſary Part of their Subſiſtence, from the Places or Penſions they hold at the arbitrary Will of that ambitious Prince, or guilty Miniſter?

Anno, 13 Geo. II. 1739.

'Theſe are Queſtions, Sir, which, in my Opinion, can be anſwered in the Affirmative by no Man, that will and dare make uſe of his Reaſon; and yet every one of theſe Queſtions muſt, I think, be anſwered in the Affirmative by thoſe who affirm, that our Conſtitution can never be in any Danger from a Majority, or near a Majority of this Houſe's being compoſed of ſuch as hold Places and Penſions at the arbitrary Will of the Crown. I ſhall grant, Sir, that it may be neceſſary for us to have amongſt us ſome of the chief Officers of the Crown. It may be neceſſary to have always in this Houſe ſome of the chief Officers of the Treaſury, Admiralty, and Army, as well as ſeveral others of thoſe that are employed by his Majeſty as chief Officers in the executive Part of our Government. Theſe, I ſay, it may be neceſſary to have amongſt us, in order to give us ſuch Informations, as may often become neceſſary in the ſeveral

Anno 13, Geo II. 1739.

Branches of Buſineſs that come regularly before this Houſe; but, I am ſure, it is no way neceſſary, and quite inconſiſtent with the Dignity of this Houſe, to have it filled with Clerks of Offices, and inferior Officers of our Navy and Army. I confeſs, I have the greateſt Regard for ſuch of thoſe as we have at preſent amongſt us; becauſe, I hope they have all ſo much Honour, that they would diſdain to ſacrifice their Duty, as Members of this Houſe, for any ſelfiſh Conſideration; but, we cannot be aſſured, that thoſe who ſucceed them in their Offices and Employments, will be Gentlemen of ſo much Honour, and as they may likewiſe ſucceed them with regard to their Seats in this Houſe, our Conſtitution may be thereby brought into the utmoſt Danger; for, if I were not well aſſured of the Honour of thoſe Officers we have now amongſt us, we have already ſuch a Number, that I ſhould think our Conſtitution upon the Brink of Deſtruction; and, as this Number may increaſe ſo as, in a ſhort Time, to become the Majority of this Houſe, whilſt we have it our Power, we ought to take care to provide againſt this Danger, by limiting the Number of Officers that are to have Seats in this Houſe; for, if the Majority of this Houſe ſhould once come to be compoſed of Officers, and thoſe Officers ſuch as had a greater Regard to the Places they poſſeſs, or Preferments they hope for, than to the Liberties and Conſtitution of their Country, it would be ridiculous to think of getting the Approbation of this Houſe to any ſuch Regulation. Therefore, Sir, as this is not yet, I hope, our unfortunate Caſe, I ſhall beg Leave to move, That Leave may be given to bring in a Bill, for the better ſecuring the Freedom of Parliaments, by limiting the Number of Officers to ſit in the Houſe of Commons.

John Selwyn, Junior Eſq;

SIR,

John Selwyn, Jun. Eſq;

'I ſhould readily join not only in bringing in but in paſſing ſuch a Bill as the Hon. Gentleman has been pleaſed to propoſe, if I thought it were neceſſary for the Preſervation of our Conſtitution: Nay, I ſhould join with the Hon. Gentleman in his Motion for bringing it in, in order to ſee what ſort of Remedy he has a Mind to propoſe, if I thought that the Conſtitution were now, or ever could be in any Danger from the Number of Officers in this Houſe: Nay farther, I ſhould probably join with him in this Motion at leaſt, if I were not fully convinced, that the excluding of any Officer who may have Fortune and Intereſt enough in his Country to get himſelf choſen, would be a

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moſt dangerous Infringement of our Conſtitution, and at laſt, an infallible Cauſe of its Diſſolution.

'The Hon. Gentleman has himſelf, Sir, furniſhed us with what I take to be an unanſwerable Argument againſt the Bill he propoſes: He ſays, and, indeed, it muſt by every one be granted, that no Danger can enſue from the Number of Officers in this Houſe, unleſs that Number be ſo great, as to make a Majority; and that even in this Caſe, no Danger can from thence enſue, unleſs that Majority conſiſts of ſuch Men, as have a greater Regard for the Offices they poſſeſs, or the Preferments they hope for, than they have for their own Honour, or the Liberties of their Country. Theſe, therefore, are two Caſes, which we muſt ſuppoſe may happen, before we can ſay there is any Neceſſity for ſuch a Bill, as he had been pleaſed to propoſe; and theſe two Caſes are, in my Opinion, of ſuch a Nature, that we cannot ſuppoſe it poſſible, that either of them ſhould ever happen, and much leſs can we ſuppoſe, that both may happen at one and the ſame Time.

'We know, Sir, that a great Number of thoſe, who have Offices and Employments under the Crown, I mean all the Officers of the Revenue, are already excluded from having Seats in this Houſe; and as for the Officers of our Navy and Army, and all thoſe that belong to any of the Offices kept here at London, they are, by the very Nature of their Office, and by the Attendance they muſt give, prevented from having any Intimacy or Correſpondence with the Gentlemen or People of our ſeveral Counties, Cities, or Boroughs, and conſequently it muſt be extremely difficult for any great Number of them to get themſelves choſen; for the People in all Places of the Kingdom are fond of thoſe that live amongſt them, and converſe with them daily, and will always chuſe one of them, rather than any Stranger that comes to ſet up as a Candidate at an Election.

'For theſe Reaſons, Sir, I think it impoſſible to ſuppoſe, that ever a Majority of this Houſe ſhould conſiſt of ſuch, as hold Offices or Employments at the arbitrary Will of the Crown; and as for Penſioners, they are already excluded from having Seats in this Houſe, as effectually as it is poſſible for you to exclude them by any Law you can make. But this is not the only impoſſible Suppoſition we muſt make, in order to frighten ourſelves with the Dangers we are expoſed to by a great Number of Officers having Seats in this Houſe: We muſt not only ſuppoſe, that they make a Majority of the Houſe, but that they are all ſuch as have no Regard to their Honour, or their Country, which

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which, I hope, will appear to be a Suppoſition impoſſible to be made, with regard to ſuch a Number of Gentlemen of Family and Fortune in this or any other Kingdom upon Earth; for Gentlemen of Family and Fortune they muſt be before they can get themſelves choſen, unleſs you ſuppoſe their Conſtituents to be as great Scoundrels as themſelves, which is likewiſe a Suppoſition that, I hope, can never be made; at leaſt, I am ſure, if there ſhould ever be Ground for making ſuch a Suppoſition, it would be ridiculous to talk of preſerving the Liberties of ſuch a vicious and abandoned People.

'But, Sir, before we can ſuppoſe our Conſtitution in Danger from a great Number of Officers having Seats in this Houſe, we muſt, in my Opinion, ſuppoſe, that all thoſe Officers are not only regardleſs of Honour and their Country, but downright Fools and Idiots, with regard to their own Intereſt. Every Gentleman that can have a Seat in this Houſe, muſt now by Law be poſſeſſed of an Eſtate of 600 *l.* or at leaſt 300 *l.* a Year, in his own Right. Whilſt our Conſtitution is preſerved, he may call this his Property, he may tranſmit it to his Poſterity. But if our happy Conſtitution ſhould be deſtroyed; if an abſolute and arbitrary Government ſhould be ſet up, he could do neither with any Certainty. In ſuch Governments there is no Property, there is no Man can with Certainty depend upon being able to tranſmit any thing to his Poſterity; and would any Man but a Fool and a Madman render a certain, real, tranſmiſſible Eſtate of 600 *l.* or 300 *l.* a Year precarious, for the ſake of a Place or a Penſion of double the Value, which he held at the mere Will of another, and which he knew he could not tranſmit to his Poſterity? This, Sir, is ſo contrary to common Senſe, that it is impoſſible to ſuppoſe, that any great Number of Men in any Age, or any Country, could be guilty of ſuch a Piece of Madneſs.

'From hence, I think, it is evident, that our Conſtitution can never be in Danger from any Number of Officers that may have Seats in this Houſe; but if you ſhould by a new Law exclude all thoſe in any Office or Employment under the Crown, or all but a very few, from having Seats in this Houſe, it would not only endanger, but, in my Opinion, certainly deſtroy our Conſtitution. Sir, I believe it will be granted, that ſince the happy Acceſſion of our preſent illuſtrious Family, as great a Regard, as great a Reſpect has been ſhewn by the Crown to Parliament, nay greater, I believe, than was ever ſhewn in any former Period of Time. To compare it with that Period in which our Conſtitution ſeems to have been moſt perfect, and our

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Government moſt wiſely adminiſtred, I mean the Reign of the glorious Queen Elizabeth: Every one knows, that ſhe often treated her Parliaments with more Haughtineſs than has lately been ſo much as thought of: Nay, ſhe ſometimes treated them in ſuch a manner, as would now be exclaimed againſt, as the higheſt Inſult, the moſt dangerous Encroachment upon the Rights and Liberties of Parliament; and yet the Parliaments in her Time behaved in a more obedient, I may ſay, a more ſervile Manner towards the Crown, than they have ever done in any Reign ſince that Time: From whence I muſt conclude, that, ſo far from being bruught under any ſervile Influence by the Number of Officers we have now in the Houſe, it contributes towards enhancing that Regard, which the Crown finds neceſſary to ſhew to us; and, I think, very good Reaſon it ſhould; for ſurely a Gentleman who, beſides his Seat in this Houſe and his perſonal Abilities, has a great Share in the Government and public Counſels of his Country, or a great Command and Intereſt in the Navies and Armies of his Country, is more to be regarded than a mere Country Squire or City-Merchant, who has nothing to recommend him, but his own perſonal Abilities, and his being a Member of this Houſe. Anno 13, Geo. II. 1739.

'Therefore, Sir, if you exclude all Officers of the Crown from having Seats in this Houſe, you will, of one Side, leſſen that Regard which the Crown now finds neceſſary to ſhew to you; and of the other, you will introduce, and in a manner eſtabliſh Faction and Sedition, not only in this Houſe, but in every Part of the Kingdom. The chief Guard we have againſt Faction and Sedition has always conſiſted in thoſe Honours, Poſts, and Preferments, which the Crown has the ſole Power to beſtow: If you remove that Guard out of Parliament, the ſeditious great Men, who may be the Heads of Faction, may probably, in a ſhort Time, get the Direction not only of this Houſe, but of moſt of the Elections in the Kingdom; the Conſequence of which would certainly be a Civil War between this Houſe and its Followers of one Side, and the King and his Officers and their Followers, of the other; and by the Iſſue of this War, let which ever Side prevail, our Conſtitution would certainly be undone. This, Sir, was the Caſe in the Reign of Henry III. This was the Caſe in the Reign of Charles I. In Henry IIId's Time, the great Earl of Leiceſter, who was Head of the Party againſt the King and his Miniſters or Officers, not only got the Direction of the Parliament, but, by his own Authority, nominated many of thoſe that were to be choſen

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as Members of this Houſe; and if that haughty Earl had not been deſerted by the Duke of Glouceſter, and defeated by the Courage and Conduct of the Prince of Wales, afterwards our great Edward I. that Conteſt would probably have ended in a total Overthrow of our Conſtitution, as the other I have mentioned did, in the Reign of Charles I.

'From all which, Sir, I muſt conclude, that the Offices or Employments, which are or may be poſſeſſed by Members of this Houſe, may ſerve to keep up ſuch a Correſpondence and Connexion between the Crown and Parliament, as will ſecure the Tranquillity of the Nation againſt Faction and Sedition, but can never enable any Prince or Miniſter to deſtroy our Liberties; becauſe as ſoon as any ſuch Deſign becomes manifeſt, moſt of the Officers who have the Honour to be Members of this Houſe, will declare, and thereby turn the Majority of this Houſe againſt the Court; and by that means we ſhall always have it in our Power to give a Check to the wicked Deſigns of any ambitious Prince or guilty Miniſter. There can, therefore, be no Neceſſity for ſuch a Bill, as the Honourable Gentleman has been pleaſed to propoſe; but on the contrary, I muſt think, it would be of the moſt dangerous Conſequence to our Conſtitution, and for this Reaſon I muſt declare againſt his Motion.'

George Lyttleton, Eſq;

SIR,

George Lyttleton, Eſq;

'An Honourable Gentleman, at the lower End of the Houſe, threw out a Propoſal, to ſend us all to School again for the reforming our Manners. Sir, I think, our Care ſhould be to prevent Members of Parliament from being at School, when they are here, from being under the Laſh of an inſolent Miniſter, as, if we may credit Hiſtory, has happened in ſome former Parliaments. Sir, I do not mean the Parliament in Queen Elizabeth's Reign, however ſervile they are repreſented to have been, by an Honourable Member over the way. I am afraid the Practice of Miniſters naming Members to Boroughs at their own Will and Pleaſure, which he told us was uſed by the Earl of Leiceſter, has not been dropped ſince that Time; and I wiſh our Poſterity may never ſee Days leſs advantageous to Liberty. Elizabeth loved her People, deſired their Honour, regarded their Intereſt, ſhe heard their Complaints againſt the greateſt, the moſt favoured of her Miniſters; and yet I will own, Sir, there were many wrong Things done in her Reign, becauſe ſufficient Reſtraints were not then laid upon the Power of the Crown: And therefore the Example of her Reign holds

holds out a uſeful Leſſon to us, that even to the beſt of Princes we ſhould not allow ſuch a dangerous Influence, as may tempt them, by the Advice of bad Miniſters, to encroach on our Freedom. Anno 13, Geo. II. 1739.

'Sir, conſidering how this Bill comes recommended, I ſhould have imagined, Gentlemen would have thought it owing to themſelves, if not to their Country, to ſeem to treat it with a little Reſpect. But not ſo much as to allow it to be brought into the Houſe, to oppoſe the Principle of it, is indeed very extraordinary. There have been Times, when, only for the ſake of that Principle, Bills of a much leſs moderate Nature, and to which there lay many Objections that cannot be made againſt this, have paſſed here without Oppoſition. Sir, for my own Part, I think, when I am promoting this Bill, that I am contending for all I ever thought myſelf bound to contend for; that I am oppoſing all I ever thought it my Duty to oppoſe: All Faults and Miſmanagements in the Adminiſtration of Government, the Miſunderſtanding, the Neglect, the giving up of all national Intereſts, Diſcontent at Home, Diſhonour Abroad, whatever can be conceived moſt detrimental to the Good of the Public, is all ſo cloſely inwoven with the Evil this Bill would prevent, that it can be guarded againſt, or remedied by no other poſſible Means. Sir, how far I am from ſuppoſing, that merely to have an Employment, without other Cauſe of Suſpicion, implies any Notion of Guilt or Corruption, I need no other Proof than the Senſe I muſt have of my own Situation. But tho' I have an Employment myſelf, I think it ſtill undeniably true, that the Nation has Reaſon to be jealous of the Number of Placemen in Parliament; becauſe Nations always regard Things, and not Perſons; becauſe they conſider the Temptation in general, not a particular Power of reſiſting it; and becauſe the public Wiſdom ought to proportion the Degree of Reſtraint to the Degree of Danger, that is either felt or foreſeen.

'While this Houſe is full of independent Gentlemen, or with ſuch Placemen only whoſe Places are not ſo much the beſt of their Property, that they cannot riſk the Loſs of them without a Spirit of Martyrdom, who have ſomething of their own ſufficient to outweigh their Employments, and while the Number even of theſe ſhall be confined within ſome moderate Bounds, a Miniſter muſt regard this Aſſembly as an awful Tribunal, before which he is conſtantly to account for his Conduct: He muſt reſpect your Judgments, he muſt dread your Cenſures, he muſt feel your Super-intendency. But I can imagine, a future Houſe of Commons ſo crowded with Placemen, that a Spectator in the Gallery

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might be apt to miſtake, and think himſelf at the Levee of a Miniſter inſtead of a Parliament. The Benches here may be covered not only with Officers of Rank in the Government, not only with the Servants of the Crown, but with the Servants, perhaps, of thoſe Servants; and what Sentiments, Sir, have we Reaſon to think the Sight of a Houſe ſo filled would excite in a Miniſter? Would he think himſelf in the Preſence of his Country, or in the midſt of a Guard that would enable him to defy its Juſtice, and deride its Reſentment? The Poſſibility of this happening hereafter, is the Ground of this Bill, which therefore the People of England do not only conſider as a ſingle Point to be gained for them upon any preſent Neceſſity, but as a general Security againſt all they apprehend for the future.

'Sir, my worthy Friend who made you this Motion, in the opening of it, explained to you ſufficiently, that there is no Intent of running into any Extremes. If I thought there was, I would oppoſe it as much as any Man here. I know but one Thing more prepoſterous than ſuch a general Place-Bill, as would exclude all Perſons in Office from a Seat in this Houſe, and that is, to leave the Number of them under no Limitation at all. But, for fear of ſtarving, muſt we die of a Surfeit? Between theſe two Abſurdities, can no Medium be found? Can't we continue thoſe amongſt us who are of any Uſe to the Houſe, who can give any Aſſiſtance, any Weight, any Facility, any Grace to our Proceedings, and ſhut the Door againſt others whom it is neither decent, nor ſafe to admit? Sir, the doing this is eaſy; it will be done by this Bill; it is what the Wiſdom of former Parliaments would have done long before now. But the Reaſon they did it not was, it never entered into their Thoughts to conceive that ſome, who have ſince ſat in Parliament, could attempt to come there; I do not mean from any perſonal Incapacity, but from the Nature itſelf of their Offices, incompatible almoſt with the very Idea of a Member of Parliament. It is a ſurprizing Thing, but it is verified by what we ſee every Day, that the common Practice of ſome Ages goes beyond even the Fears of the paſt. We muſt therefore ſupply from Experience what our Predeceſſors failed to foreſee; and we are called upon to do ſo by the unanimous Cry of the Nation. Sir, the greateſt Affairs before us are of leſs Importance than this: It is better Spain ſhould invade the Freedom of the American Seas, than the Crown of England violate the Independence of Parliament. It is not Spaniſh or French Arms, but Spaniſh and French Maxims of Government, that we ſhould have moſt to fear from, if the vigilant Caution, the jealous Spirit of Liberty in this Houſe did

did not concur with the Goodneſs, the natural Goodneſs of his Majeſty, to ſecure our free Conſtitution. Let the Cortes of Spain, let the Parliament of Paris be a Warning to this; let them ſhew us what we may come to, if we don't prevent the Growth of Corruption, before it produces here the inſenſible, gradual, fatal Change it did there. Anno 13, Geo. II. 1739.

'Sir, I am trying to recollect what Objections have been made to this Bill, and I proteſt I can find none that ſeem to me to want a Reply. One chiefly inſiſted upon is, that it carries an Air of Suſpicion. Sir, in all the States that I have read of, antient and modern, the moſt ſuſpicious People have been always the lateſt enſlaved. To ſuſpect human Frailty in tempting Circumſtances is a very natural Jealouſy, and a too ſecure Confidence will hardly be thought a Parliamentary Virtue. It is painful, indeed, to be ſuſpected, but the greater the Pain, the greater the Deſire ſhould be to remove that Suſpicion. But, Sir, againſt the preſent Houſe of Commons, no ſuch Suſpicion can be conceived. — Upon what Grounds ſhould it be founded? Upon what Probability? Has the private Diſcourſe of ſuch Gentlemen here, ever been different from their public Behaviour? Have they ever talked one way, and voted another? Have there been any Indications of a private Intereſt, that of any one Man ever prevailing over that of the Nation, againſt Fact, Reaſon, or Juſtice? Have not the Majority here conſtantly ſhewn the ſtrongeſt Conviction, that their Conduct was ſtrictly conformable to the moſt diſintereſted Love of their Country? Such a Houſe of Commons ought not to be, is not ſuſpected: But granting ſuch a Doubt to have been formed, is this the way to remove it? Will the rejecting this Bill clear our Character, or can all the Art and Power of Calumny give half the Weight to an Imputation of that kind as ſuch a Proceeding?

'Sir, to thoſe who treat this Bill as a chimerical Thing, an idle, ſpeculative Project, I will ſay but one Word, that the moſt chimerical Thing in Nature, is the Notion of a free Conſtitution, where the reſtraining Powers are not entirely exempt from Dependency. Such Liberty is, indeed, a Speculation fit for School-boys; for what would Terms and Appearances avail, if Independence were loſt? You might retain the vain Enſigns of your former Authority, but would they give you any Dignity, would they be of any Uſe to the Public? The Mace there upon your Table, what would it ſignify? It might be borne before you with ridiculous Pomp, but it would be what Cromwell called it once, a mere Bauble; or if it had any Weight, it would be only to oppreſs, not to protect.

Anno 13, Geo II. 1739.

' Sir, the preſent Form of our Government, keep it but free from Corruption, is ſo wiſely conſtituted, the Powers in it are ſo happily mix'd, that it has all the Advantages of a Republic, without the Defects and Evils attending one. But, on the other Side, I muſt ſay, that if it ſhould be corrupted, if the Controul of Parliament ſhould be bought off by the Crown, the very Reverſe would be true; and it would have all the Defects, all the Evils of an abſolute Monarchy, without the Advantages; it would be a more expenſive, and worſe adminiſtered abſolute Power. Sir, I hope it is underſtood, that in what I have ſaid, I am only contending for a proviſional Security againſt a Miſchief not yet felt in all its Malignity, but yet, of ſo increaſing a Nature, and ſuch ruinous Conſequences, that we muſt be blind not to foreſee them, and worſe than careleſs not to prevent. I will only add, that every Year we delay this Security, may probably add both to the Neceſſity and Difficulty of obtaining it; and that People out a-doors may be apt to judge from the Succeſs of this Queſtion To-day, if even now it does not come a little too late.'

Sir William Yonge.

SIR,

Sir William Yonge.

' I am very ready to allow, that it is laudable in a free People to be jealous of their Liberties; and to be ready to repel the leaſt Attack that can be made upon them. But I cannot think it very prudent to ſhew any outward Signs of this Jealouſy, without ſome real and immediate Cauſe; and when Diviſions and Animoſities are ſtirred up amongſt a free People, about guarding againſt an Attack that was never made nor thought of, I ſhall always be inclined to impute it to any thing, rather than to a true and diſintereſted Regard for the public Good. All Conteſts about altering or amending our Conſtitution, eſpecially when they are nurſed up, and carried on without Doors, as well as within, I muſt look on as a political Sort of Warfare; and, I think, no Sort of War ought ever to be begun, without ſome real Offence of one Side or other. If the Nation is to be ſet in a Ferment, about providing againſt every imaginary Danger that may be ſuggeſted by a melancholy and gloomy Diſpoſition, we ſhall always be ſo much taken up with providing againſt imaginary and diſtant domeſtic Dangers, that we may probably, ſome Time or other, overlook, and neglect to provide againſt a real and imminent foreign Danger; and thus, whilſt we are engaged in needleſs Conteſts about guarding our Liberties and Properties

perties againſt the Invaſions of one another, we may at laſt find both left entirely at the Mercy of ſome foreign Invader. Anno 13, Geo. II. 1739.

'For this Reaſon, I am not for endeavouring to be ſo quick-ſighted as ſome Gentlemen pretend to be, nor ſhall I ever be for making an Alteration in our Conſtitution, in order to provide againſt any Danger it may be expoſed to, till that Danger begins to be in ſome Degree felt, as well as foreſeen; and therefore, I think, no Gentleman can expect, that I ſhould agree to the Motion now under our Conſideration. Whatever may be our Fate in future Times, I am ſure, it cannot be ſaid, that in his preſent Majeſty's Reign, or under the preſent Adminiſtraeion, the leaſt Attempt has been made upon the Freedom of Parliament, or to gain a corrupt Influence over any Member of this Houſe. If our Parliaments had ever once of late Years, at the Inſtigation of the Crown, agreed to, or approved of any Thing that look'd like an Encroachment, either upon the Rights and Liberties of the People, or upon the Property of any private Man in the Kingdom, that Agreement or Approbation might have been ſuſpected of proceeding from ſome corrupt Influence. But as no ſuch Agreement or Approbation has ever been obtained, as no Attempt has been lately made by the Crown to obtain any ſuch, I can ſee no Reaſon for the preſent Motion, or for that Outcry againſt Corruption, that has been of late ſo induſtriouſly propagated all over the Nation.

'Corruption, I know, Sir, like arbitrary Power and wooden Shoes, is a moſt hideous Word, and I ſhall grant, that it may be of a dangerous Conſequence to the Liberties of a free People; but there are two Things that muſt concur, before it can ever become dangerous, and that is, a general Depravity of Manners among the People, and a wicked Deſign in thoſe that govern them. If Virtue prevails among the Generality of the People, if they are not generally guided by ſelfiſh and corrupt Motives, an ambitious Court can never propoſe to ſucceed in their Deſigns, by Means of Corruption, let their Fund for that Purpoſe be never ſo extenſive; and if the Governors of a free People have no ambitious or wicked Deſigns, no Fund for Corruption can ever be dangerous in their Hands; but, on the contrary, it may be *neceſſary* for preſerving the Happineſs and Tranquillity of the People; for, if the People be generally corrupt, if they be generally guided by ſelfiſh and corrupt Motives, their Governors muſt have *wherewithal* to *ſatisfy* thoſe Views, which, with moſt Men, are their only Motives for Action; otherwiſe it will be impoſſible

Anno 13, Geo II. 1739.

impoſſible to get a *Majority* of the People to concur, even in thoſe Meaſures that are abſolutely neceſſary for their own Preſervation.

'It is therefore evident, Sir; that thoſe who think we are in any preſent Danger from Corruption, muſt be of Opinion, that a general Depravity of Manners has of late crept in among the People of this Kingdom, and that his Majeſty, by the Advice of evil Counſellors, has formed Deſigns againſt the Liberties of his People; which is an Opinion, that, I hope, is far from being entertained by any Gentleman in this Houſe. Whatever Opinion we may have of the Generality of our Countrymen, I hope no Gentleman thinks, that his Majeſty has any Deſigns againſt the Liberties of his People, or that he would harbour any ſuch, were it in his Power to carry them into Execution. What are we then to do by the Bill propoſed? If a general Depravity of Manners does not prevail, we are, without the leaſt Shadow of Reaſon, to deprive the People of the Service of thoſe, who, if they are honeſt, are certainly beſt able to ſerve their Country in Parliament; and if a general Depravity of Manners does prevail, we are to deprive his Majeſty, who, we are certain, can have no bad Deſigns, of the *only Means* he can have for carrying his good Deſigns into Execution, or, indeed, for anſwering any *one End* of Government.

'But now, Sir, let me ſuppoſe, which, I am ſure, there is no Ground for, that a Majority of this Houſe not only think, that the People of this Nation are generally governed by ſelfiſh and corrupt Motives, but alſo, that his Majeſty has, by the Advice of evil Counſellors, formed Deſigns againſt the Liberties of the People: Even in this Caſe, can we ſuppoſe that this Bill would be a proper Remedy? From Experience we muſt conclude, that it would have a quite contrary Effect: Like the ſelf-denying Ordinance in Cromwell's Time, it would not only facilitate, but haſten that very Conſequence it is intended to prevent. The Paſſing of ſuch a Bill, would be an immediate and infallible Cauſe of a Diviſion and Contention between the King and his Parliament, which would of courſe drive both to Extremes; and as we have ſuppoſed both Sides governed by ambitious and ſelfiſh Views only, whichever Side prevailed, the Contention would end, as it did in Cromwell's Time, in the Eſtabliſhment of arbitrary Power. Therefore, if there were any preſent Danger from Corruption, the only Method for providing effectually againſt it would be, to take proper Meaſures for reſtoring the Virtue of the People, and for removing evil Coun-

Counſellors from the King, both which may be done by Parliament, but can never be done by ſuch a Bill as is now propoſed; and therefore, I muſt be againſt giving Leave to bring in a Bill, which, I think, can in no Caſe be of any Service, and which may, probably, be attended with moſt pernicious Conſequences.' Anno 13, Geo II. 1739.

Edward Southwell, Eſq;

SIR,

'The Bill now moved for, is of ſo great Conſequence, ſo ardently deſired by the Nation in general, that I cannot ſatisfy myſelf with giving a bare Aſſent to the Motion for bringing it in, and therefore, I muſt venture upon the hard Taſk of betraying my own Inability, rather than ſit ſilent in a Debate, whereon, I think, the Freedom and Independency of Parliament, and the very Being of our Conſtitution depend. A Debate, Sir, which, by its Event, muſt, in effect, determine, whether the Commons of Great-Britain are ever hereafter to be properly repreſented in this Houſe, whether we are really to be any longer a free People or no. Edw. Southwell Eſq;

'It would ill become me, Sir, to dare to inſinuate the leaſt Reflection upon any of thoſe Gentlemen who have the Honour to be employed in his Majeſty's Service, or to be diſtinguiſhed by his Royal Favour. Their Rank and their Station claim a due Reſpect, and I have ever paid them ſuch as becomes a Freeman. As Gentlemen, and as Individuals, I have a great Regard for them; but as Legiſlators, and as an aggregate Body, I muſt own, their Numbers, their Power, and their Influence here, may give juſt Grounds of Jealouſy and Apprehenſion, to every Man that underſtands the Nature and admires the Wiſdom of our happy Conſtitution; eſpecially if we ſhould ever happen to ſee an Union, or Coalition of their ſeveral Intereſts, for their mutual Support, and, as it were, in one common Cauſe, whenever the State of our Army, or Navy, of our Treaſury, or Revenue, or of the Nation in general, ſhall come under the Conſideration of this Houſe.

'We juſtly value ourſelves on the Wiſdom and Equity of our Laws, for trying the Life, Liberty, and Property of the meaneſt Subject, by impartial Judges, and diſintereſted Juries. Shall we be thus careful of the Liberties and Properties of private Men, and take no care of the Liberties and Properties of the People in general? Shall we remove a Juror, in a Caſe of private Property, if it appears that he has an Intereſt in either Side of the Queſtion; and in a Caſe of public Property, ſhall we admit a Majority, or near a Majority,

Anno 13, Geo II. 1739.

Majority of thoſe that are to be Judges, to conſiſt of ſuch as have the whole, or the greateſt Part of their Subſiſtence, depending upon one Side, perhaps the wrong Side, of the Queſtion? Surely, Sir, this great Council, which is entruſted with the Happineſs, the Property, and Purſe of the Nation, demands, at leaſt, equal Care and Attention: The Guardians of the Laws, Liberties, and public Intereſt, ought, above all Men, to be diſintereſted and independent; free not only from the Imputation, but even from the leaſt Suſpicion of any pecuniary Biaſs whatever. In private Life, it would be abſurd to allow any Man to ſit as Judge and Jury in his own Cauſe; and in this Houſe, where our All is at Stake, is it not equally abſurd, may it not be deſtructive?

'Sir, there is no Deſign to turn out of this Houſe, every Gentleman that has a Place or Office under the Crown. By the Bill now moved for, all thoſe who have Places or Offices under the Crown are to be excluded from having Seats in this Houſe, except ſuch Placemen and Officers as ſhall be named in the Bill; and when this Exception comes to be filled up, it will appear, that there may ſtill be at leaſt 150 Placemen and Officers in this Houſe, which ſurely is a Number ſufficient for anſwering all the good Purpoſes of the Crown; and, I hope, no Gentleman will ſay, we ought to have ſuch a Number of Placemen and Officers in this Houſe, as may anſwer thoſe bad Purpoſes which ſome future ambitious King, or bad Miniſter, may happen to have in View, or may be prompted to have in View, when he conſiders, that he has ſuch a great Number of Placemen and Officers in this Houſe.

'The long and expenſive Wars this Nation has been obliged to carry on, for the juſt Defence of our Religion, our Laws, and our Liberties, have engaged us in immenſe Debts: Theſe Debts ſtill ſubſiſt, and have had this fatal Conſequence, that, while they have ſettled the Balance of Power Abroad, I fear they have overturned the Balance of Power at Home. They have raiſed a numerous Swarm of Revenue and Exciſe-Officers, and other Tax-Gatherers, who have overſpread the Nation like Locuſts. It is well known what Influence theſe Officers and Tax-Gatherers have upon Elections, and I may alſo ſay, it is well known, what Uſe they make of it. They influence our Elections, not only while they live, but alſo when they die; for many Electors are influenced by the Hopes of ſucceeding them.

'We are again engaged in a juſt and neceſſary War, whereby our Fleets are become more numerous, our Land-Forces greatly increaſed, and more and more Levies of Marines every Day made. Theſe Augmentations muſt throw

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a new Weight of Power into that Scale, which ſeems already to be charged beyond its due Proportion, and of courſe the Freedom of Parliament, and the Security of our Conſtitution, will be thereby more endangered, which has raiſed great Jealouſies all over the Nation. Anno 13, Geo. II. 1739.

'This Bill, Sir, ſeems to be the only ſure Method to allay theſe Jealouſies, and to prevent theſe Dangers. It is not meant to exclude all Placemen from Parliament: It is meant only to reſtrain and limit the Number of Placemen, which in future Parliaments may become ſo great, as to be inconſiſtent with the Freedom of Parliament, or the Preſervation of our Conſtitution. This Effect the Bill will have, if, luckily for us and our Poſterity, it be paſſed into a Law; but this is not the only good Effect it will have. Beſides this, it will have many other good Effects: It will not only limit the Number of Placemen in Parliament; but it will alſo ſoon leſſen their Number, and their Expence in general. If this Bill ſhould be paſſed, new Places would not be created, many old ones would be aboliſhed, no more Officers would be employed than were abſolutely neceſſary; and, I verily believe, no more would be allowed them than they ſtrictly earned: A ſmall Salary would then ſatisfy a Clerk in an Office, who might now, perhaps, reject it, as a Member of this Houſe; and Men might well afford to ſerve for half Pay, who had no Intereſt to ſupport, and no other Merit neceſſary for the Poſt they enjoy, or the Poſt they aſpire to, than the bare Qualification for that, and that alone. They would then become Men of one Calling, and of one Buſineſs: They would be more diligent and faithful in the Diſcharge of their Duty, becauſe they would be more afraid of being called to Account.

'The Nation, Sir, grows daily more jealous of its Liberties, and more zealous for the Security of them, by the Succeſs of this Bill; and, therefore, I hope that, at leaſt, ſo much Deferencewill be paid to the Voice of the People, as to admit their Repreſentatives fully to debate the Merits of this important Cauſe. The Voice of the People is well worthy the Attention, the ſerious Attention of a wiſe Legiſlature: It is a Voice that firſt or laſt will be heard, and will have its Effect: It is a Voice that is not to be ſilenced, that is not to be ſmothered, much leſs to be rejected with Contempt.

'Therefore, Sir, in Duty to his Majeſty, that he may reign happy in the Hearts, in the Affections, and Confidence of his People, which alone can render him powerful at Home, and formidable Abroad; in Juſtice to my Country, that theſe valuable Rights and Privileges, derived to us

Anno 13, Geo II. 1739.

from our Anceſtors, may be tranſmitted down to Poſterity; in Diſcharge of my own Conſcience, and of the great Truſt repoſed in me by my Conſtituents, I thought myſelf obliged, notwithſtanding the juſt Senſe I have of my Inability, to give this public Teſtimony of my Approbation of what is propoſed, and I do moſt heartily join in the Motion for bringing in this important and moſt neceſſary Bill.'

Henry Pelham, Eſq;

SIR,

Henry Pelham, Eſq;

'The Honourable Gentlemen, who in this Debate have ſpoke in favour of the Motion, ſeem all, by their Arguments, to preſume, that every Gentleman, who has a Place or Office under the Crown, is to receive Directions from the Crown, with regard to his Behaviour in this Houſe, and that he will always vote and act here according to theſe Directions. Sir, if there were any Ground for ſuch a Preſumption, if I thought that there could ever be any Ground for ſuch a Preſumption, I ſhould moſt readily agree to this Motion: I ſhould not only be for excluding all ſuch Gentlemen from having Seats in this Houſe, but I ſhould be for laying them under all the Incapacities which Exciſe-Officers are already by Law ſubjected to. I ſhould be for preventing their endeavouring to perſuade any Elector to give, or to diſſuade any from giving his Vote for any Candidate at an Election. But I am very far from ſuppoſing, that the Crown, or any Miniſter of the Crown, will ever attempt to give Directions to any Member of this Houſe, with regard to his Behaviour here; and much leſs can I ſuppoſe, that any Gentleman, who has the Honour to be choſen a Member of this Houſe, would ſubmit to follow ſuch Directions, for the ſake of any Place or Office he can have or expect from the Crown. When a Gentleman is choſen a Member of this Houſe, he thereby becomes a Counſellor for his Sovereign, as well as a Truſtee for the People, and, in both theſe reſpects, he is in Honour bound to give his Opinion freely and ſincerely upon every Queſtion that occurs. A Place or Office under the Crown may prevent his aſſociating himſelf with thoſe that appear to be diſaffected or diſcontented, or it may engage his Aſſent in Things that appear to be indifferent, or of no great Moment; but it can never engage his Approbation of any Meaſure that appears to be inconſiſtent with the Liberties of the People, and conſequently, with the Security of the Crown; for theſe two have now ſuch a mutual Dependance, that no Attempt can be made upon either, without at the ſame time weakening the other.

'For

' For this Reaſon, Sir, I ſhould think our Liberties and Conſtitution in no Danger, even tho' a Majority of this Houſe conſiſted of ſuch as held Places and Offices under the Crown, provided they were regularly and fairly choſen, which they could not be, unleſs they were Gentlemen of good Characters, of good Fortunes, and of a good Family Intereſt in their Country: With ſuch a Parliament, if the Crown ſhould begin to form any arbitrary Deſigns, ſome few of this Majority might, perhaps, be brought over, by the Hopes of great Preferment, or by the Fears of loſing what they poſſeſſed; but the greateſt Part of them would certainly join the Party againſt the Court, for this very good Reaſon, becauſe it would be the moſt certain way of preſerving not only their own Fortunes, but alſo the Places and Offices they enjoyed. If they ſhould join with the Court in giving a Parliamentary Sanction to ſuch Deſigns, and eſtabliſhing an arbitrary Power in the Crown, they would not only render their own private Fortunes precarious, but they would put it in the Power of the Crown to turn them out of the Places and Offices they poſſeſs without any Danger; and this would, probably, be the Conſequence; for the loweſt and moſt upſtart Fellows are generally the beſt Servants, and moſt humble Slaves to a haughty Prime Miniſter of an abſolute Sovereign. This, I ſay, would be the Caſe, with regard even to thoſe Placemen of Family and Fortune, who had concurred in the Eſtabliſhment of arbitrary Power: They would be all turned out, and more humble Slaves, or at leaſt, Slaves to whom the Crown and its Miniſters did not owe ſuch Obligations, would be put into their room, as ſoon as it could be done without Danger of overturning that lofty Fabric of Power, which by their Aſſiſtance had been erected. Anno, 13 Geo. II. 1739.

' This, Sir, would be the certain Fate of all Gentlemen of Character, Family, and Fortune in the Country, if they ſhould, for the ſake of preſerving their Poſts or Offices, join with the Slaves of a Court in giving a Parliamentary Sanction to, and thereby eſtabliſhing an arbitrary Power. On the other hand, if moſt of them ſhould declare againſt the Court, as, I believe, would be the Caſe, they would immediately put an end to ſuch a wicked Adminiſtration. The Parliament would immediately remove all ſuch evil Counſellors from about the Throne, and probably ſend them where they deſerved; in which Caſe, it would be out of their Power to adviſe the King to remove thoſe Placemen that had voted againſt them; and the new Adminiſtration would be bound in Gratitude, to continue in Office thoſe that had contributed to their Advancement, and to the Re-

Anno 13, Geo. II. 1739.

lief of their Country. Nay, for their own ſakes they would be obliged to continue them, and to reſtore ſuch as had been removed, becauſe thoſe Placemen and Officers who had given ſuch a Teſtimony of their Honour, and of their generous Love for their Country, would thereby become ſo popular, and acquire ſuch an additional Intereſt in their reſpective Counties, that it would be very dangerous for the new Adminiſtration to do them any Injuſtice.

'From hence, Sir, I think it is evident, our Conſtitution can never be in Danger from any Number of Places and Offices that can be held by the Members of this Houſe. On the contrary, I think, the chief Security of our Conſtitution conſiſts in this very Power or Capacity, which the Members of this Houſe have, of enjoying Places and Offices under the Crown; becauſe, the Crown is thereby obliged to employ Gentlemen of Character, Fortune, and Intereſt, in the executive Part of our Government. When two Gentlemen are Candidates for any Place or Office in the executive Part of our Government, both equally qualified as to perſonal Abilities, but one, a Gentleman of good Fortune and Family, the other of neither, I believe it will be granted, that the former ought to be preferred; and as long as Placemen or Officers are allowed Seats in this Houſe, or Votes at Elections, the Crown, or the Miniſters of the Crown, will certainly prefer the former, in order to prevent his appearing againſt them, in all Matters of an indifferent Nature, either in this Houſe, or at Elections; but if by preferring him, they ſhould render it impoſſible for him to do them any Service, either in this Houſe, or at Elections, they would certainly prefer the other, becauſe he would be a more obedient and ſubmiſſive Tool, and much more attached to their perſonal Intereſt and Safety.

'The Conſequence, therefore, of excluding moſt Placemen and Officers from having Seats in this Houſe will be, that in a ſhort Time, none but Men of low Birth and no Fortune will be employed in our Army and Navy, and in every other Poſt or Office, that is neceſſary for the executive Part of our Government; and if this ſhould ever happen to be the Caſe, I ſhould think our Conſtitution in much greater Danger, than it could be, ſhould every Member of this Houſe have a Share in the executive, as well as he has in the legiſlative Part of the Government of his Country. For this Reaſon, I muſt be of Opinion, that as long as you leave the executive Part of your Government in the Crown, you ought to leave the Conſtitution upon the Footing it now ſtands, if you have a Mind to preſerve it

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from being overturned by an Army commanded by Officers, and aſſiſted by a great Number of Placemen, of no Birth or Fortune in their Country, and conſequently, ready to join with an ambitious Prince or Miniſter, in overturning the Liberties of their Country. Anno 13, Geo. II 1739.

'Whilſt we have Parliaments, Sir, and thoſe Parliaments regularly choſen, according to the Laws already in being, I can have no Notion, that the Majority of ſuch a Parliament can be prevailed on by Places or Preferments, to join in arbitrary Deſigns or oppreſſive Meaſures; the only Danger we are in is, leſt the Crown ſhould be tempted, or obliged to govern without a Parliament; and this even the juſteſt and wiſeſt Prince may find himſelf obliged to do, if you ſhould take away all thoſe legal Powers, which our Anceſtors have found neceſſary to be lodged in the Crown, in order to enable it to withſtand Faction and Sedition. We know how giddy the Populace are in every Country: We know how apt the People are to be led aſtray by the artful Heads of Faction, whoſe ſecret Deſigns are generally very different from their public Profeſſions. All wiſe Governments foreſee Dangers and Inconveniences at a great Diſtance, and, in order to avid theſe Dangers, are often obliged to take Meaſures, that may ſeem wrong or oppreſſive to the Ignorant: They may often have wiſe and good Reaſons for what they do, and yet thoſe Reaſons may be ſuch as muſt not be publicly explained. Theſe Circumſtances the Heads of Faction, the Diſaffected, and the Diſcontented, take Advantage of, in order to miſrepreſent the Government to the Multitude; and by theſe Means, even againſt a juſt and wiſe Prince, a general Diſcontent may be made to prevail for ſome ſhort Time, and until the Eyes of the People be opened. If ſuch a Prince had no Honours to beſtow, nor any Rewards to give to ſuch as do not allow themſelves to be led away by popular Clamours, his Government would be tore to Pieces by a factious Parliament, or he would be obliged to carry it on without any Parliament at all; and in either Caſe, our Conſtitution would be undone.

'Againſt this Danger we are guarded, Sir, by the Honours and Favours which the Crown may beſtow upon thoſe Electors and Members who do not, out of an Affectation of Popularity, chime in with every popular Diſcontent; and this, I think, is the only Uſe the Crown can make of thoſe Honours, Places and Offices, which it has, by our Conſtitution, at its Diſpoſal. Theſe Honours, Places, and Offices, may be a Support to the Crown againſt a popular Frenzy or Deluſion, and may ſupport it in a legal

Anno 13, Geo II. 1739.

legal Way, till the People have Leiſure to conſider, and return to their Senſes. By theſe, many Gentlemen may be prevented from joining with a popular Faction, either at Elections or in Parliament, and may at both be kept firm in their Duty to their King and Country; but by theſe, no Gentleman of any Family or Fortune can be prevailed on to join with the Crown in deſtroying the Liberties of his Country.

'I hope, Sir, our Liberties and Privileges are as yet in no Danger. As long as the People are guided by a Spirit of Virtue and public Good, their Liberties and Privileges never can be in Danger from any Honours or Rewards the Crown has, or may have in its Power to beſtow. But if the People ſhould ever become ſo abandoned, as that a Majority of them ſhould be ready to ſacrifice their Liberties and Privileges for a preſent Reward, it would, I think, be a very ridiculous Undertaking, to endeavour to guard againſt it by Laws, which the People would certainly repeal as ſoon as their Purchaſers deſired it. Nay, in ſuch a Caſe, I ſhould think, it would be happy for the People to have their Liberties and Privileges taken from them; for when the Individuals of a Community make no other Uſe of the Liberties and Privileges they enjoy, but to prey upon the Public, I am certain thoſe Liberties and Privileges muſt be taken away, or the Community itſelf will ſoon be deſtroyed. Therefore, if it be ſuppoſed, that the Crown may, by means of Places and Offices, get a Majority in Parliament, that, for the ſake of the Places and Offices they enjoy, will ſacrifice the Liberties and Privileges of their Country, it may be an Argument for putting an End to all Parliaments, and eſtabliſhing an unlimited Power in the Crown, but it can be no Argument for the Bill now propoſed; for if we can ſuppoſe, that a Majority of any future Parliament will be ſuch, as are entirely governed by their own immediate Intereſt, I am ſure they will make uſe of the Privileges they are inveſted with as Members, in order to accompliſh that which is their only Aim, and if they find they cannot accompliſh it by ſerving the Crown, they will endeavour to accompliſh it by deſtroying the Crown, and, probably, by overturning our preſent happy Eſtabliſhment.

'This, indeed, is the Conſequence I chiefly apprehend. We know, Sir, how numerous the Diſaffected ſtill are in this Kingdom; and they, we may ſuppoſe, are not inſenſible of the Prejudice that has been done to their Faction, by the Places and Offices which are at the Diſpoſal of the Crown. Theſe Places and Offices are, as I have ſaid,

of

of great Uſe to the Crown, and, I think, to the Nation, in preventing Gentlemen from joining with a Faction, or winning them away from it; and the Jacobites are ſenſible, they have loſt many by this Means, ſome, perhaps, after they had got them a Seat in this Houſe. For this Reaſon, we find, they are, in every Part of the Kingdom, great Patrons of this Bill. I hope, we have none of them now in this Houſe; I am ſure the Hon. Gentlemen who have propoſed and promoted this Bill, can lie under no ſuch Imputation, nor can they be ſuſpected of any ſuch Motives; but we know, that without Doors, the Clamours for this Bill are zealouſly promoted by the Diſaffected, which cannot proceed from any Principle of Liberty, becauſe from their Principles, they muſt be for enlarging, inſtead of diminiſhing, the Power of the Crown. It can proceed from nothing, but an Opinion, that it would promote their Cauſe: And, as I happen, in this Caſe, to be of the ſame Opinion with them; as I am afraid that, if the Bill ſhould paſs into a Law, we might have a Majority of Jacobites, inſtead of Placemen in this Houſe, therefore, I muſt be againſt giving it any Countenance, and conſequently, againſt the Motion, for Leave to bring it in.' Anno 13. Geo II. 1739.

William Pulteney, Eſq;

SIR,

'The Oppoſition made to this Motion is, in my Opinion, one of the ſtrongeſt Arguments that can be made uſe of in its Favour, and muſt, I think, appear ſo to every Man, who conſiders the Perſons concerned in that Oppoſition, and the Arguments they make uſe of for ſupporting it. Who are the Perſons that oppoſe this Motion? Who were they that have always oppoſed ſuch Motions? Placemen, Miniſters, and the Favourites or Penſioners of Miniſters. What do they ſay for juſtifying their Oppoſition? They deny a Principle, a Maxim, which, in all Ages, in all Countries, has hitherto been acknowledged, and, upon which, many of our Laws now in being are founded. That a Gentleman's Behaviour in this Houſe may be influenced by a Place, or a Penſion, is a Maxim univerſally acknowledged, and in this Kingdom ſo much eſtabliſhed, that we have, already, by Law, excluded many of the former, and all the latter, from having Seats in this Houſe. We have, already, by Law, excluded all Penſioners from having Seats in this Houſe; and, I ſhould be glad to know the Difference between a Penſion of 1000*l.* a Year, and a Place with a Salary of 1000*l.* William Pulteney, Eſq;

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1000 *l.* a Year. I know of none, ſave only that the latter is generally more valuable than the former; and, therefore, a Gentleman will be more loth to loſe it, or to give a Vote in this Houſe, that may diſoblige a Miniſter who can take it from him.

'I ſay, Sir, that a Place, with a Salary of 1000*l.* a Year, is more valuable than a Penſion of 1000*l.* a Year; becauſe a Place furniſhes a Gentleman with an Opportunity to ſerve his Friends, and, perhaps, to provide ſome of them with little Places or Offices under him. To which I muſt add, that a Place often furniſhes a Gentleman, who is not very ſcrupulous, with an Opportunity of plundering his Country yearly, of twice, perhaps ten times, the Value of his Salary; and this, I muſt obſerve, makes another very material Difference between a Place and a Penſion: A Placeman may very probably be a Perſon, whoſe Conduct this Houſe ought to enquire into: He may be a public Criminal, and therefore he will certainly be againſt an impartial and ſtrict Enquiry into the Conduct of any Miniſter, Officer, or Placeman, leſt the Enquiry ſhould at laſt light upon himſelf. There is, therefore, greater Reaſon for excluding all Placemen, than for excluding all Penſioners from having Seats in this Houſe. Our admitting ſome of the former, does not proceed from an Opinion, that a Gentleman's Behaviour may not be influenced by a Place, as much as by a Penſion, but from the Neceſſity we are under, of having ſome great Officers amongſt us, in order to give us proper Information and Direction, in many Affairs that muſt come under our Conſideration.

'For this Reaſon, when I hear Gentlemen, who have very good Places, gravely telling us, that no Gentleman of Family or Fortune can, by any Place he may enjoy or expect, be induced to join in Meaſures, that may be of dangerous Conſequence to the Conſtitution or Liberties of his Country, I think it is a clear Proof, not only that the Behaviour of a Gentleman of Family and Fortune may be influenced by the Poſts he enjoys or expects, but alſo, that his Judgment may be biaſſed. He may be, thereby, induced to think thoſe Things indifferent, or of no Moment, that are far from being ſo: He may be, thereby, induced to think the Liberties of his Country in no Danger, when they are upon the very Brink of Deſtruction. I ſhall grant, Sir, that we ought not raſhly, and without juſt Cauſe, to make any Alteration in our Conſtitution, nor ought we to frighten ourſelves with fanciful Dangers; but if the Danger we now apprehend, from the great Number of Officers and Placemen in this Houſe, be ſuggeſted only by a melancholy and gloomy

gloomy Diſpoſition, that Diſpoſition is, I am ſure, now become epidemical, for there is not, I believe, a Man in the Nation, not poſſeſſed, or in Expectation of ſome Poſt or Penſion under the Crown, who does not apprehend this Danger, or who is not convinced of its being not only real, but imminent. Placemen and Penſioners may, it is true, be of a more gay Diſpoſition than others, and therefore not ſo apt to apprehend our Conſtitution's being in Danger; but for this very Reaſon, we ought not to have a Majority of them in this Houſe; for if ever we ſhould, I may prognoſticate, that their Gayety will give the reſt of the Nation good Cauſe to be melancholy. Anno 13, Geo II. 1739.

An Honourable Gentleman who has had ſeveral, and has now a very good Place, has been pleaſed to tell us, that we ought never to think of providing againſt any Danger, till it be felt, as well as foreſeen. I do not know, Sir, what that Gentleman may feel, or foreſee; but I can aſſure him, the Nation thinks it has often felt the Influence of Places and Penſions in this Houſe. I ſhall not undertake the invidious Taſk of ſhewing how, or when, that Influence has been felt; but I may ſay in general, that even of late Years, there have been many Queſtions in this Houſe, which would not have gone as they did, had we had few or no Officers or Placemen amongſt us; and if all the Officers and Placemen would now retire, or refuſe to give their Votes in this Queſtion, in which they may properly be ſaid to be Parties concerned, I ſhould not doubt the Succeſs of my Honourable Friend's Motion. In this Houſe, we ought to ſee with the ſame Eyes our Conſtituents ſee with, and we ought to feel what the Nation feels, which is a good Reaſon for our admitting but few Placemen, and no Penſioners amongſt us; for both the ſeeing and feeling of him who receives 500l. or 1000l. a Year, will always be very different from the ſeeing and feeling of thoſe that pay it. The Difference between the Foreſight of Placemen, and that of the Nation, is notorious, and very remarkable, in this, that the former are mighty quick at foreſeeing thoſe Dangers, which occaſion the keeping up of a Standing-Army, but with regard to thoſe Dangers that threaten our Conſtitution, they have hitherto appeared to be almoſt quite blind; whereas the Nation has always been, and, I hope, always will be, quick-ſighted with regard to thoſe Dangers that threaten our Conſtitution, and never very apprehenſive of any of thoſe Dangers that are uſually pretended for our keeping up a numerous Standing Army. This, I ſay, is a remarkable Difference, with regard to the Faculty of ſeeing or foreſeeing any Danger; and with regard to that of feeling,

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it is certain, a Gentleman of 1000l. a Year Eſtate, who pays 700l. a Year towards our national Taxes, and has a Penſion or Salary of 1000l. a Year paid him out of thoſe Taxes, can never be ſo ſenſible of their Weight, as another Gentleman of 1000l. a Year Eſtate, who pays but 500l. a Year towards our national Taxes, and has no Penſion or Salary coming in. Therefore, I hope, the Honourable Gentleman will forgive me, if I ſay, that our Liberties may be in the moſt imminent and real Danger, tho' neither he, nor any other Placeman, either feels or foreſees it; and this, I think, is a very good Reaſon, why our Liberties ſhould not be committed to their Keeping.

'I ſhall admit, Sir, that a Gentlemen of Family, Fortune, Character, and Intereſt in his Country, is not ſo liable to be influenced by a Place he may enjoy or expect, as one who has none of theſe Advantages: but will any Gentleman ſay, that none but Gentlemen of Family, Fortune, Character, and Intereſt in their Country, can get themſelves choſen Members of this Houſe? Do not we know, that a Miniſter may get a Man choſen, tho' he has neither Family, Fortune, Character, nor Intereſt to recommend him? Do not we know, that moſt of the little Boroughs upon our Coaſts, are already, by means of our Cuſtom-Houſe, and Sea-Officers, brought entirely under the Direction of our Adminiſtration? And if the late Exciſe Scheme had paſſed into a Law, I believe, the Caſe would, by this time, have been the ſame, with regard to moſt of the little Inland Boroughs in the Kingdom. Suppoſe this ſhould hereafter be brought about, by means of ſome ſuch Scheme, paſt into a Law, at the End of a Seſſion, and before People had time to conſider its Conſequences: Could we ſuppoſe, that a wicked or ambitious Miniſter, would ever allow a Gentleman of Family or Fortune to be choſen by any of the Boroughs under his Direction, unleſs he were ſuch a one as would be influenced by the Place the Miniſter had given, or could give him?

'In this Caſe, Sir, let us conſider, that of the 513 Members that repreſent England and Wales, there are but 92 choſen by Counties, and of the remaining 421, there are at leaſt 350 choſen by Cities, Boroughs, and Cinque-Ports, where the Adminiſtration would have the abſolute Command and Direction. If this ſhould ever happen to be our unlucky Fate, can we ſuppoſe, that any Gentleman would ſet up to be a Member of this Houſe, or a Repreſentative even for any of our Counties, but ſuch as reſolved to ſubmit, with regard to their Behaviour here, to the abſolute Direction

tion of the prime Miniſter? For no Gentleman of Honour would put himſelf to Expence, or expoſe himſelf to the Reſentment of an all-powerful Miniſter, if, by ſetting up as a Candidate at any Election, he were abſolutely certain that he could thereby do his Country no Service. Inſtead of Gentlemen of Family, Fortune, Character, or Intereſt in their Country, we ſhould then ſee this Houſe filled with the loweſt Tools, and vileſt Sycophants of abſolute Power. Inſtead of this Houſe's being a Check upon Miniſters, it would then, like the Parliament of France, or the Roman Senates under their Emperors, be an Inſtrument for the Oppreſſions of Miniſters, and a Cloak for their Crimes. The moſt rapacious Plunderer, the moſt tyrannical Oppreſſor, would then inſolently boaſt, that he did nothing but according to Law, that the public Treaſure was regularly accounted for in Parliament, and that he was at all times ready to ſubmit his Conduct to a parliamentary Enquiry. Anno 13. Geo. II. 1739.

'Surely, Sir, no Gentleman can think, that the Liberties of this Nation conſiſt in our having the Reſemblance of a Parliament. We may have a Parliament, that Parliament may be choſen once every ſeven Years, may ſit annually as it does now, may paſs Laws, grant Money, receive Accounts, and even make Enquiries, and yet we may have neither Conſtitution nor Liberty left; for if it ſhould once come to be in the Power of the Adminiſtration, to have always a Majority in Parliament, ready to obey the Directions given them by the Miniſters, there would be no Neceſſity for deſtroying the very Form of our Conſtitution, or for making a direct and abſolute Surrender of our Liberties: Without either of theſe, our Sovereign would be as abſolute, and might be more tyrannical than the Grand Signior himſelf. Such a Parliament would grant him as many Spahis and Janizaries, as he thought neceſſary for keeping his Slaves in Subjection, would give him any Revenue he pleaſed to demand, and would paſs whatever Laws he might pleaſe to propoſe; and the Judges, being under no parliamentary Reſtraint, would, in every Part of his Dominions, give Judgment according to the Directions of the Prime Vizir, or governing Baſhaw. Thus Oppreſſion would be countenanced by the Forms of Law, and the People plundered, the Innocent murdered, by the Adminiſtration of Juſtice.

'It is this ſort of Ruin, Sir, we have chiefly to apprehend, and this ſort of Ruin we may, Step by Step, be led into, without our being ſenſible of the ſeveral Steps. We ſhall certainly be led into it, if we truſt, any longer, the Guardianſhip of our Liberties to thoſe, whoſe Foreſight is blunted by the Places they enjoy or expect. If a Miniſter

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were to propoſe a Law for giving the Crown a Power of ſending to every County, City, and Borough in the Kingdom, ſuch a *Congè d'Elire* for the Choice of Members of Parliament, as is now ſent to a Dean and Chapter, for the Choice of a Biſhop, I believe, very few Gentlemen of Family or Fortune would, for the ſake of any Place, agree to it; but an equivalent Power may be got by multiplying penal Laws, and increaſing the Number and Power of Officers; and a Gentleman of Family, Fortune, Character, and Intereſt in his Country, may, by a good Place, be induced to believe, that ſuch a Law, or ſuch an Increaſe of the Number and Power of Officers, is neceſſary for preventing fraudulent Practices, or the like; and may, therefore, agree to it, without ſeeing the Danger our Conſtitution may be thereby expoſed to: Thus by Degrees he may be made to agree to ſuch Propoſitions, one after another, till he has thereby eſtabliſhed in the Crown, the abſolute Direction of moſt of the Elections in the Kingdom.

'This, Sir, would have been the certain Conſequence of the late Exciſe Scheme; and yet there were many Gentlemen of Family and Fortune that approved of it. I am convinced they did not foreſee this Conſequence. Nay, I have ſo much Charity as to believe, that the chief Patron of that Scheme did not foreſee this Conſequence; but every impartial Man in the Kingdom is now, I believe, ſenſible of it. That Scheme was, indeed, ſuch a large Step towards giving the Crown the Direction of moſt of our Elections, and by good Luck, was ſo thoroughly conſidered, before it was brought into this Houſe, that moſt Gentlemen became ſenſible of the Danger, before it was too late; and this was the Cauſe of its meeting with the Fate it deſerved; but its Fate will be a Warning to future Miniſters, not to attempt making ſuch a large Step at once: They will from thence ſee, that they muſt graſp at this Power by little and little, which they will certainly do, and as certainly, at laſt, accompliſh, unleſs we take care to exclude from this Houſe, moſt of thoſe who, by the Places they enjoy, are induced to have a better Opinion of Miniſters, than any Man ought to have, that is entruſted with the Guardianſhip of the Conſtitution and Liberties of his Country.

'The Queſtion is not, Sir, whether a Gentleman may be induced, by the Office or Place he holds or expects, to make at once, and in an open and direct Manner, an abſolute Surrender of the Liberties of his Country: No Prince or Miniſter of common Senſe, will ever deſire ſuch a Surrender; becauſe, if he can get into his Hands, an uncontrolable

trolable Power over moſt of our Elections, and, conſequently, the Direction of the Parliaments choſen by this uncontrolable Power, his Power will, in every reſpect, be as abſolute, and may be exerciſed in a more arbitrary Manner, and with greater Security to himſelf, than it could be, without the Appearance of a parliamentary Authority; for every unpopular and oppreſſive Meaſure would then be made the Act and Deed of the Parliament, and the Lenity of the Miniſter in the Execution of thoſe penal Laws enacted by Parliament, or in the Exerciſe of thoſe Powers granted him by Parliament, would be ſet forth and extolled by his Tools in a Gazetteer, or ſome ſuch Paper, publiſhed by his Authority, and diſperſed through the whole Kingdom at the public Expence. The Queſtion, therefore, now before us is, Whether a Gentleman's Eyes may not, by a lucrative and honourable Poſt or Employment, be ſo overclouded, as to prevent his ſeeing through the plauſible Pretences, that may, from Time to Time, be made uſe of, by an artful Miniſter, for getting into his Hands, or into the Hands of the Crown, ſuch an uncontrolable Power, as I have mentioned; and this Queſtion, even with reſpect to Gentlemen of Family and Fortune, will, I am ſure, be anſwered in the Affirmative, by every Man in the Kingdom, who does not poſſeſs or expect ſome Poſt, or Employment, or ſome of thoſe Titles of Honour, which, by our Conſtitution, as it is now modelled, the Crown has abſolutely at its Diſpoſal. Anno 13, Geo. II. 1739.

'To tell us, Sir, that our Liberties can never be in Danger from a Majority of Placemen in this Houſe, unleſs the People be generally abandoned, as to all Principles of Virtue and public Good, and unleſs the Crown has, at the ſame Time, formed Deſigns againſt our Liberties; and that the only Method for removing this Danger, in caſe we ſhould, at any Time, be threatned with it, would be to take proper Meaſures for reſtoring Virtue, and public Spirit among the People, and for removing evil Counſellors from about the Throne: To tell us this, I ſay, Sir, in a ſerious Manner, is ſomething very extraordinary: It is miſtaking the Effect for the Cauſe, and deſiring us to begin at the wrong End. Corruption, Sir, is not the Effect, but the Cauſe of a general Depravity of Manners among the People of any Country, and has in all Countries, as well as this, been firſt practiſed and encouraged by Miniſters and Courtiers. It would, therefore, be ridiculous in us, to think of reſtoring Virtue among the People, till we have once made it impoſſible for Miniſters and Courtiers

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tiers to corrupt them; and, I am ſure, would be ſtill more ridiculous in us, to think of removing an evil Counſellor from about the Throne, till we have once removed his Creatures and Tools out of this Houſe.

'I hope, Sir, there are at preſent no evil Counſellors about the Throne: If there were, I am ſure, no ſuch Counſellor has a Majority of his Creatures and Tools in this Houſe. If this were the Caſe, it would have been very ridiculous to have made ſuch a Motion as this now before us. It would be very ridiculous to think of reſtoring our Conſtitution by any legal Method: It is this Misfortune we intend to prevent by the Bill now moved for. It is a Misfortune now foreſeen by all unprejudiced Men in the Kinſtdom. I hope it is not yet too late to think of preventing it by a legal Method; for after we have once fallen into this Misfortune, it will be impoſſible to recover. If an ambitious Miniſter ſhould once get a Majority of his Creatures and Tools into this Houſe, can we ſuppoſe they would conſent to impeach, or remove him from the Throne? Can we ſuppoſe, they would ever conſent to any Bill that might tend to diſtreſs the Adminiſtration of their Maſter? Can we ſuppoſe, they would refuſe any Thing that might tend to prolong his Adminiſtration and increaſe his Power? Every Attempt to reſtore the Conſtitution, would be branded with the Name of Republicaniſm: The Diſcontents of the People would be called Diſaffection and Jacobitiſm: Every Oppoſition would be ſaid to proceed from Malice and Reſentment; and the Misfortune would be, that many honeſt well meaning Men, induced by their Places to have a better Opinion of Miniſters than they ought to have, would give Credit to theſe Pretences, and would believe, that by agreeing to the Miniſter's arbitrary Schemes, they were only ſtrengthening the Hands of the Government againſt Republicaniſm, Jacobitiſm, and Sedition.

'If it were poſſible to be merry in a Debate of ſo great Importance, it would be diverting to obſerve the Contradiction in the Arguments made uſe of againſt this Motion. By ſome, our Gentlemen of Family and Fortune are repreſented to be Men of ſuch ſtrict Honour, and ſuch clear Heads, that no Place or Penſion can miſlead their Judgment, or direct their Will; no ſelfiſh Conſideration can make them overlook the Danger our Liberties may be expoſed to, or conſent to any thing, they think may in the leaſt endanger our Conſtitution. By others again, our Gentlemen of Family and Fortune are repreſented as ſuch ſelfiſh, mercenary Creatures, that unleſs the Government would give them ſome Poſt or Penſion, they would refuſe to conſent

ſent to thoſe Things that are abſolutely neceſſary for the Ends of Government, and the Preſervation of their Country. Now theſe two contradictory Poſitions, tho' they cannot be equally true, may be, and, I believe, they are equally falſe. We have, I believe, ſome Gentlemen amongſt us, whoſe Judgment cannot be biaſſed, nor their Will directed, by any ſelfiſh Conſideration. Such Men, I hope, we ſhall always have in ſome of our higheſt Offices, and theſe are not deſigned by this Bill to be excluded from having Seats in this Houſe; but their Number will always be ſmall, and, therefore, not ſufficient by themſelves alone, to ſupport, the Conſtitution againſt a Combination of all the Fools and Knaves that may hereafter get into this Houſe; therefore, we muſt endeavour to prevent this Combination, and this can only be done by ſuch a Bill as is now propoſed. Anno 13, Geo II. 1739.

'On the other hand, Sir, I believe there may be ſome amongſt us, who propoſe nothing by their Service in this Houſe, but their own private Advantage; and whilſt we have Placemen and Penſioners amongſt us, ſuch Men will endeavour all they can to get into Parliament. Nay, it may become ſo cuſtomary for every Man that votes with the Court, to have a Place or a Penſion, that no Man will do ſo without ſome ſuch Reward. But if ever this ſelfiſh Spirit ſhould get into Parliament, our Conſtitution will be undone; and to prevent this, is the Deſign of the Bill now moved for: If no Man could, by being a Member of Parliament, propoſe to get any Place or Office, or any Advantage to himſelf, the Mercenary and Selfiſh would ſeldom endeavour to get themſelves choſen, at leaſt they would never be at any Expence for this Purpoſe; and as ſuch Men have ſeldom a great natural Intereſt in any Part of the Kingdom, there would always be ſuch a ſmall Number in Parliament, that their Oppoſition could never obſtruct or retard any thing that ſeemed neceſſary for the juſt Ends of Government, or for the Preſervation and Happineſs of the Society. The Public Good would then be the only Aim of Miniſters, as well as Members, becauſe neither of them could hope for Succeſs in any other; and as Men of good Senſe and ſtrict Honour are the beſt Judges of, and the moſt ready to agree upon what is neceſſary for the public Good, it would then be as much the Buſineſs of Miniſters to get ſuch Men choſen, as it is now their Buſineſs to get ſuch Members choſen, as are Men of mercenary Tempers, or ſhallow Underſtandings; for all Miniſters will have Jobbs to do in Parliament, as long as they have any Hopes of Succeſs, and the Weak or Mercenary wil always be the moſt proper for this Purpoſe.

'I

Anno 13, Geo II. 1739.

'I am indeed, ſurprized, Sir, to hear it ſaid by an Hon. Gentleman, whoſe Attachment to the preſent Eſtabliſhment is not to be doubted, that if moſt Placemen were excluded from this Houſe, there would ſoon be a Majority of Jacobites in it. Such a Suppoſition is not to be made, without firſt ſuppoſing, that a great Majority of the People are Jacobites; and to ſuppoſe this, is, I am ſure, no Compliment to our preſent Royal Family, and much leſs to the King now upon our Throne. As long as our Parliaments are independent, and our Elections free, there can never be any conſiderable Number of Jacobites, either in this Houſe, or in the Nation; but if there ſhould once come to be a Majority of Placemen and Officers in this Houſe, that Majority would ſoon create a Majority of Jacobites in the Nation; and in that Caſe, tho' the Majority within Doors might be a good Security to Miniſters againſt parliamentary Proſecutions, yet it would be but a bad Security to the Royal Family, againſt an Inſurrection of the whole People without Doors. The Army, upon which we now ſeem ſo much to depend, or a great Part of them, would, probably, join with the People, and the certain Conſequence would be the Overthrow of our preſent Eſtabliſhment. This Danger, I know, a guilty Miniſter will always chuſe to expoſe his Maſter to, rather than expoſe himſelf to a legal Trial, before a free and independent Parliament: Becauſe in a general Conflagration, he may, poſſibly, eſcape Notice, or may, perhaps, be able to ſacrifice his Maſter, by way of an Atonement for himſelf; but thoſe who ſupport him in thus expoſing his Maſter, can have no great Regard for their Sovereign, and in ſuch an Event, would certainly meet with the Contempt and Puniſhment they ſo highly deſerved.

'For this Reaſon, Sir, as I have a greater Regard for the Security of the Royal Family, than I have for the Security of our preſent Miniſters, or of any Set of Miniſters that ſhall ever get into the Management of our public Affairs, I ſhall be for putting it out of the Power of any future Miniſter, to overturn our Conſtitution, by getting a Majority of Placemen and Penſioners into this Houſe. This, I think, is now become abſolutely neceſſary, for preventing our being brought under one of the worſt Sorts of tyrannical Governments that was ever contrived or eſtabliſhed. For this Purpoſe, the Bill now moved for is one of the moſt certain, and one of the moſt obvious Methods that can be thought of. It can be attended with no Inconvenience. It is impoſſible to ſhew ſo much as a plauſible Reaſon againſt it; and, therefore, if this Motion be rejected, it muſt afford a moſt melancholy Reflection to every one that underſtands our

our Conſtitution, and has a Regard for the Liberties of his Country.' Anno 13, Geo. II. 1739.

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'I was a little ſurprized to hear it ſaid, by the Hon. Gentleman who ſpoke laſt, that this Motion's being oppoſed by Miniſters and Placemen, is a ſtrong Argument in its Favour. In my Opinion, this is a Sort of begging the Queſtion. Before we can ſuppoſe this to be an Argument in Favour of the Motion, we muſt ſuppoſe, that Miniſters and Placemen oppoſe it, not becauſe they think it wrong, but becauſe they are Miniſters and Placemen, which is the very Queſtion now in Debate. I do not believe, that ever any Miniſter or Placeman oppoſed, or ſupported a Queſtion in this Houſe, contrary to his private Sentiments, and only, becauſe he was a Miniſter or Placeman. I am ſure, their Conduct of late Years has given us no Room to think ſo; nor can we ever have Room to think ſo, as long as none but Gentlemen of Credit and Honour are employed in the Adminiſtration, or in any Place of Honour and Profit under the Crown. If mere Upſtarts, or Perſons of no Fortune or Credit in their Country, were employed, and by illegal Methods brought into this Houſe, for by fair Means they could not, there might be ſome Room for making ſuch a Suppoſition, and then there would be ſome Cauſe for bringing in ſuch a Bill as is now propoſed; but when I look round me, and conſider the particular Circumſtances of thoſe Gentlemen now here, who have the Honour to be at the ſame Time in the Service of the Crown, I muſt look upon the Danger, now pretended to be ſo real and imminent, to be as chimerical a Danger, as the moſt luxuriant Fancy can invent.

'I ſhall agree with the Hon. Gentlemen who ſeem ſo fond of this Bill, that if the Crown could gain an abſolute and uncontrolable Power over all, or a Majority of the Elections in the Kingdom, every Parliament thus choſen by the Power, would be under the Direction of the Crown, and in this Caſe our Conſtitution would be at an End; but this I think impoſſible. Whilſt the Crown purſues right Meaſures; whilſt none but Gentlemen of good Credit and Fortune are employed in the Adminiſtration, or in any ſuperior Poſt or Office under the Adminiſtration, the Crown will certainly have a great Influence both in Parliament, and at Elections; but this proceeds from the Wiſdom and Uprightneſs of its Meaſures, and from the natural Weight of thoſe that are employed; and it would certainly ceaſe,

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as ſoon as the Crown began to purſue contrary Meaſures; becauſe, we muſt ſuppoſe, the Adminiſtration would then certainly be deſerted, and oppoſed by all, or moſt Gentlemen of any Fortune or Credit in their Country. This, I ſay, we muſt ſuppoſe, unleſs we can ſuppoſe, that Gentlemen of Fortune and Credit in their Country, would unite in Meaſures for making a Sacrifice of themſelves, as well as their Country; which is a Suppoſition that cannot, I think, be made, nor pretended, by any Man whoſe Head is ſound, and Heart ſincere.

In all Queſtions, Sir, which do not admit of Demonſtration, there muſt be a Variety of Opinions; and as Queſtions of a political Nature are leſs capable of Demonſtration than any other, it is natural to ſee a Difference of Sentiments in every Country like this, where the People have not only a Power to judge, but a Liberty to talk and write againſt the Meaſures purſued by the Government: This is natural, and even neceſſary, in every Country where the People are free; and as every Man is fond of his own Opinion, and fully convinced of his having Reaſon on his Side, he is apt to imagine, that thoſe who differ from him, muſt be governed by ſome Prejudice, or by ſome ſelfiſh Conſideration. From hence it is, that all thoſe who diſapprove of the Meaſures of the Government conclude, that the Approbation of thoſe that differ from them, proceeds from the Influence of ſome lucrative Poſt they are in Poſſeſſion or Expectation of; and on the other hand, thoſe that approve of, and ſupport the Meaſures purſued by the Government, are apt to conclude, that the Oppoſition is entirely owing to Party Prejudice, or to Malice and Reſentment. For my Part, I ſhall always endeavour to keep in the middle Courſe, and to believe that both are in the wrong; and, therefore, I ſhall always be againſt any Alteration in our Conſtitution, when I think, that the Alteration propoſed, is founded upon one or other of theſe Miſtakes. I ſhould be as much againſt reſtraining the Liberties of the People, in order to prevent that Influence which is ſuppoſed to proceed from Party-Prejudice, Malice, and Reſentment, as I ſhall be againſt reſtraining the Power or free Choice of the Crown, in order to prevent that Influence which is ſuppoſed to proceed from the Diſpoſal of Places and Preferments. There may, perhaps, I believe there always will, be a little of each in the Nation; but neither can ever be of any dangerous Conſequence to our Conſtitution: On the contrary, they ſerve as a Balance to each other; ſo that by removing either, without removing the

the other at the ſame Time, the Conſtitution will run a great Riſk of being overturned. Anno, 13 Geo. II. 1739.

'There are many Cauſes, Sir, which naturally raiſe a Party againſt the beſt and wiſeſt Adminiſtration. In this Life, it is impoſſible for us to be compleatly happy. All Men feel ſome Wants, Preſſures, or Misfortunes; and very few are willing to impute them to their own Folly, or to any Miſtake in their own Conduct. To ſuch Men, the Adminiſtration is in Politics, what the Devil is in Religion; it is the Author of all their Miſdeeds, and the Cauſe of all their Sufferings: This naturally breeds in them a bad Opinion of the Adminiſtration, and then, of courſe, they not only condemn, but oppoſe all its Meaſures. This muſt raiſe a great many Enemies to the Adminiſtration in every Country, and their Number will be conſiderably increaſed by thoſe that are diſappointed of the Honours or Preferments they expected, and juſtly, as they thought, deſerved; as well as by thoſe that wiſh for a Change in the Adminiſtration, for no other Reaſon but becauſe they hope for a Share in the next. In all Countries it is honourable to have a Share in the Government of one's Country: In rich Countries, it is profitable as well as honourable; and as there are but a very few in any Country that can have a Share of the Government, and ſtill fewer that can have ſuch a Share as, they think, they deſerve, there muſt be many Candidates for every Title of Honour, or Poſt of Profit, that is to be diſpoſed of. Of theſe Candidates, one only can be choſen, and all the reſt will, of courſe, think they have had Injuſtice done them; for few Men are ſo modeſt as to think ſuch a Diſappointment owing to their own Want of Merit, or to the ſuperior Merit of their Rival; and from thence they will begin to entertain a ſecret Animoſity, nay, perhaps, they will declare an open Enmity to thoſe at the Head of the Adminiſtration.

'By theſe two Sorts of Men united together, there will always be a conſiderable Party in every Country, ready to condemn and vilify the wiſeſt Meaſures that can be purſued by the Adminiſtration; and, as in every free Country there are different Parties, as in this Country there are at preſent, and, I believe, always will be different Parties, the Parties that are by their Profeſſion and Principles oppoſite to the Party in Power, will be ready to find Fault with every Thing done by the Adminiſtration. In this Country, I ſay, Sir, there are, and, I believe, always will be different Parties: There are at preſent, and will be, as long as our preſent happy Eſtabliſhment endures, three

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different Parties in this Kingdom: The Jacobites of one Side, the Republicans of the other, which I may call the two Extremes; and the Party for ſupporting our preſent happy Eſtabliſhment, which may be juſtly called the proper Mean between theſe two Extremes.

'Thus, Sir, we may ſee what a numerous Party, our Adminiſtration muſt always have to ſtruggle with. All theſe Sorts of Men, the Diſcontented, the Diſappointed, the Jacobites, and the Republicans, will always be ready to condemn and oppoſe the Meaſures of the Adminiſtration, let them be never ſo wiſe, let them be never ſo juſt; and by their Arguments they will often be able to prevail with ſome well-meaning and unthinking Men, or at leaſt to ſtagger them in their Opinions. With regard to Parliaments, and the Choice of Members of Parliament, our Adminiſtration has no Defence againſt this formidable Union of Parties, but by the Wiſdom of their Meaſures to engage moſt Gentlemen of Credit and Fortune in their Intereſt. Whilſt the Adminiſtration purſues right Meaſures, ſuch Gentlemen will be ready to join with them, and by this means the Adminiſtration will always have a prevailing Influence, both in Parliament, and at Elections; for when a Majority of thoſe who have the beſt Fortunes, and greateſt Intereſt in their reſpective Countries, are Friends to the Adminiſtration, it is not at all ſurprizing, that an Adminiſtration, by means of ſuch Friends, ſhould have a prevailing Influence at Elections, as well as in Parliament. But ſuch Friends, or at leaſt a great Number of ſuch, no Adminiſtration can have, that purſues Meaſures inconſiſtent with the Good of the Community in general.

'I ſhall grant, Sir, that a Title of Honour, or a lucrative Poſt or Employment, may be of ſome Service in prevailing with a Gentleman to judge favourably of the Government's Meaſures, in all Caſes where he is wavering in his Opinion; but a bad Government can never, by this Way, gain many Friends; even a good Government can never gain near ſo many Friends, as it will loſe by cauſeleſs Diſcontents and juſt Diſappointments; and if you ſhould take away from the Crown the chief Advantage it can reap by the Diſpoſal of Poſts and Employments, not only a good Adminiſtration, but even the Crown itſelf, may ſink under the Weight of Party-Prejudice, ſupported by cauſeleſs Diſcontent, and juſt Diſappointment; therefore, to ſupport the Crown againſt the Diſadvantages and Oppoſition which the wiſeſt and beſt Adminiſtration muſt always have to ſtruggle with, I think, you ought to leave it in the Power of the Crown to diſpoſe of all Poſts and Employments, in the

the ſame manner they have been hitherto, without any bad Effect, diſpoſed of. Anno 13. Geo. II 1739.

'If you ſhould, by the Bill now propoſed, exclude all Gentlemen in any Place or Office under the Crown, from having Seats in this Houſe, you would, in my Opinion, Sir, bring the Conſtitution into much greater Danger, than it can ever be brought into, by any Number of Placemen and Officers that can be in this Houſe; for the Crown would, in that Caſe, be laid under a Neceſſity to employ none but Men of low Fortunes and no Intereſt; becauſe, if the Places and Offices under the Crown ſhould be given to Gentlemen of Character and Diſtinction in their reſpective Countries, and they thereby excluded from having Seats in this Houſe, the chief Friends of the Government being thus rendered incapable of ſtanding Candidates at Elections, the diſaffected, or diſcontented Intereſt would prevail in every Part of the Kingdom; and in that Caſe, this Houſe would ſoon be filled with ſuch as were declared Enemies to the Adminiſtration. To prevent this Conſequence, the Adminiſtration would, therefore, be obliged to employ none in any Poſt or Office under the Crown, but ſuch as had neither Fortune nor Intereſt in their Country, in order that their Friends might be in a Condition to get themſelves choſen Members of this Houſe; for, I believe, it will be granted, that no Adminiſtration could ſupport itſelf, or anſwer any of the Ends of Government, if the Majority of this Houſe conſiſted of ſuch as were its declared Enemies.

'From hence, Sir, I think it is evident, that if this Bill ſhould paſs into a Law, the neceſſary Conſequence would be, that in a very ſhort time our Armies would be entirely commanded by Officers of no Fortune or Intereſt in their Country: Our Navy would be in the ſame Condition: All Poſts and Offices under the Crown would be filled with Men of the ſame Stamp; and in theſe Circumſtances, if an ambitious, or a hot, paſſionate Prince ſhould ſucceed to the Throne, I muſt deſire Gentlemen to conſider, whether our Conſtitution and Liberties would not be in more Danger, than they can ever be, as long as our Army and Fleet are commanded by Officers, and all other conſiderable Poſts under the Crown filled with Gentlemen, of ſuch Fortune and Intereſt in their reſpective Countries, as to be able to get themſelves choſen Members of this Houſe. It has been generally admitted in this Debate, that Gentlemen of no Fortunes will always be more ready to ſecond the ambitious Deſigns of a Court, than Gentlemen who have good Fortunes of their own, the Security of which muſt depend upon the Preſervation of our Conſtitution; and for this very Reaſon,

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ſon, an ambitious or headſtrong Prince can never have any great Affection for Parliaments or Senates, conſtituted as thoſe in this Kingdom are. If the Prince could bring whom he pleaſed, and as many as he pleaſed into Parliament, and expel or turn out whom he pleaſed, as the Roman Emperors did with regard to their Senates, the moſt ambitious and arbitrary Prince would have no great Occaſion to grow weary of Parliaments; but as the King can bring no Member into this Houſe, nor expel any one; as no Gentleman can come into this Houſe but by the free Choice of his Country, it muſt always conſiſt of Gentlemen of Character and Fortune, and conſequently, will always be a Reſtraint which an ambitious Prince will be glad to get rid off; therefore, we have more Reaſon to apprehend its being in the Power of a Prince to govern without a Parliament, than its being in his Power to govern or direct the Parliament; and, I am ſure, when our Armies and Fleets are commanded by Officers, and all other Poſts filled with Gentlemen of no Fortunes, it will be more eaſy for a Prince to govern without a Parliament, than it ever can be, as long as many of thoſe Officers and Gentlemen are Members of this Houſe.

'Even the Gentlemen who have ſpoke in favour of this Bill, are ſo ſenſible of the Difficulty there will always be in obtaining the Conſent of Gentlemen of Character and Fortune, to any thing that may look like an Encroachment upon our Conſtitution, that they ſeem to think, we are in no Danger from the Number of Placemen and Officers in this Houſe, unleſs Gentlemen of no Character or Fortune be brought here by the Intereſt of the Government merely on Account of their having Places or Offices under the Crown; and in order to magnify this Danger, we have been told, that moſt of the little Boroughs upon the Coaſt, are entirely under the Direction of the Government, with regard to their Elections, and that the little Inland Boroughs would have been in the ſame Condition, if the late Exciſe Scheme had paſſed into a Law. Sir, I find Gentlemen will not, upon this Occaſion, make that Diſtinction, which, I think, is a very obvious one, between the Circumſtances of our Government, when none but Gentlemen of good Families and Fortunes are employed in its Service, and the Circumſtances it would be in, if few or no ſuch Gentlemen would accept of being employed, which will always be the Caſe, when it is purſuing Meaſures that ſeem to be of dangerous Conſequence to the Conſtitution, or inconſiſtent with the public Good. In the former Caſe, many of thoſe employed in the Government's Service will be returned for Inland as well as Coaſt-Boroughs, not becauſe they are in the Government's

vernment's Service, but becauſe they have a great natural Intereſt in their reſpective Countries. In the latter Caſe, as all theſe Gentlemen that had any natural Intereſt would be againſt the Government, it would be impoſſible for the Government to get many of its low Tools choſen, either for our Boroughs upon the Coaſt, or for our Inland Boroughs. In this Caſe, if the Exciſe-Scheme had paſſed into a Law, it would have made no Difference; for, as long as our Elections are free, thoſe that have the beſt Intereſt will always be choſen; and as the Government's Intereſt muſt always depend upon the Intereſt of thoſe that are employed in its Service, no Exciſe Scheme, nor any ſuch Scheme, can give an Intereſt to a Government that has no Gentleman of Intereſt in its Service. Therefore, as long as our Elections are free, there is not the leaſt Danger, that any great Number of Gentlemen of no Character or Fortune can ever be brought into this Houſe; and the Freedom of our Elections is already as fully ſecured as Laws can ſecure it. Anno 13, Geo. II. 1739.

'I hope, Sir, I have now fully ſhewn, that our Conſtitution and Liberties can be in no Danger from any Number of Placemen or Officers in this Houſe, unleſs we ſuppoſe, that a great Number of Gentlemen of Family, Fortune, Character, and Intereſt in their Country, would chuſe to make a Sacrifice of themſelves, their Poſterity, and their Country, rather than riſk loſing the Place or Office they poſſeſs under the Crown. This is a Suppoſition which, I think, there never can be any Ground for. If there were: If it were poſſible to ſuppoſe ſuch a general and abandoned Venality among the better Sort of People of this Kingdom, the Bill would either have no Effect, or a very bad one. Can we ſuppoſe that ſuch venal and abandoned Men would ſerve their Country in Parliament for nothing? They would either ſet up a Traffic with the Crown for private Penſions to themſelves, or Poſts and Preferments to their Truſtees or Relations, which no Laws nor Oaths could diſcover or prevent; or otherwiſe they would form themſelves into a Party for overturning the Adminiſtration; and thus one Adminiſtration would be overturned after another, till at laſt the Country would become a Prey to ſome foreign Power, or until ſome one Adminiſtration, more bold and artful than the former, ſhould fall upon a Method to eſtabliſh themſelves in arbitrary Power. There is, therefore, no Occaſion for this Bill; or if there is, it would either have no Effect, or a very bad one; and this, I think, is a ſufficient Reaſon for my being againſt bringing it in.'

Sir

Anno 13, Geo. II. 1739.

Sir William Wyndham.

Sir William Wyndham.

SIR,

'The Honourable Gentleman who ſpoke laſt has told us, that Queſtions in Politics admit of no Demonſtration. In this I am entirely of his Opinion, and, I think, this Opinion was never more ſtrongly confirmed, than by the Debate of this Day. There never was a Queſtion in this Houſe, that could be brought nearer to a Demonſtration, than the Queſtion now before us; and yet, I find, it is not poſſible to convince thoſe that may be affected by its being agreed to. It has hitherto been reckoned a Maxim in Law, which I never before heard diſputed, that Parties ought not to be Judges; but now I find this Maxim denied, and, indeed, it muſt be ſo, by every Gentleman that ſays, our Conſtitution can never ſuffer by a Majority of Placemen in this Houſe; for that Placemen and Officers of all kinds muſt be Parties concerned in many Caſes, which we, as Members of this Houſe, muſt judge of, is ſo clear, that I ſhould have been aſhamed to have given you the Trouble of proving it, if I had not heard the Motion now before you ſo warmly oppoſed.

'Upon this Occaſion, Sir, I muſt obſerve, that all free Governments muſt conſiſt of two diſtinct Powers, the legiſlative, and the executive, the laſt of which is always ſubordinate, and ſubject to the Review of the firſt. The very Eſſence of a free Government conſiſts, among other Things, in this, that all thoſe who are entruſted with the executive Power, ſhall be accountable for their Conduct to the legiſlative Power, and may be puniſhed by the legiſlative Power, which always conſiſts in ſome ſort of an Aſſembly of the People, in caſe it be found that they have neglected or tranſgreſſed their Duty in the Execution of their Office; for what Benefit could the People reap from their having the Power of making their own Laws, if thoſe who are entruſted with the executive Power of the Society, might, without Fear or Controul, betray or neglect the public Affairs of the Society, or injure and oppreſs Individuals, either by neglecting to execute the Laws, or by executing them in a different manner from what was intended, or by pretending to act according to Law, without having any Law for their Authority?

'This, I ſay, Sir, is eſſential to every free Government, and, accordingly, we have this Regulation eſtabliſhed by our Frame of Government in the moſt perfect manner. Thoſe who are entruſted with the executive Power, are all, or moſt of them, named by the King; but then every one of them, from the higheſt to the loweſt, is accountable to, and

and may be puniſhed by the two Houſes of Parliament; and it is particularly the Buſineſs of this Houſe, which is the grand Inqueſt of the Nation, to enquire into their Conduct, and to impeach thoſe we find guilty of any Neglect or Miſdemeanor, in the Exerciſe of that Part of the executive Power which is entruſted to them by the Crown. Therefore, it is our Duty to make frequent Enquiries into the Conduct of every Miniſter, Officer, and Placeman appointed by the Crown; and upon all ſuch Enquiries, we are to examine ſtrictly into their Behaviour, and judge impartially of their Conduct. From hence it appears, that in all ſuch Enquiries, and in all Queſtions relating to them, the Members of this Houſe, as ſuch, are Judges of the Conduct and Behaviour of every Placeman, Officer, or Miniſter employed by the Crown in the Executive Part of our Government; and conſequently, every Placeman, Officer, and Miniſter, that has a Seat in this Aſſembly, muſt be both Judge and Party in many Caſes that ought to be brought before us. Anno 13, Geo II. 1739.

It ſignifies nothing to ſay, Sir, that no Officer can be a Party concerned in the Conduct of another Officer, and that an Officer who happens to be a Member of this Houſe, muſt retire, as ſoon as any Queſtion ariſes relating to his own Conduct; for as there are many and great Connections between different Offices, and between Officers of different Offices, which may at firſt View appear entirely diſtinct, it is impoſſible ſo much as to gueſs, when an Enquiry, or any leading Queſtion to an Enquiry, into the Conduct of one Office or Officer is moved for; I ſay it is impoſſible to gueſs what other Officers may, upon the Event of a ſtrict Enquiry, appear to have been Confederates with him in his Crimes. Nay, even thoſe Officers that never had any Dealings with him, cannot know but that a cloſe Enquiry into one Office, may bring to Light, as it often does, ſome Mal-practices of other Offices, in which they themſelves have a Concern: and therefore, every Officer in the Houſe will think himſelf a Party concerned in every Enquiry that can be ſet on Foot, and will, conſequently, endeavour to prevent or defeat every ſuch Enquiry. To this I muſt add, that, in all Degrees and Stations in Life, Men of the ſame Trade, Employment, or Profeſſion, eſpecially where their Buſineſs does not interfere, conceive an Affection for one another, and are therefore apt to judge very partially in one another's Favour; from whence it muſt be concluded, that, in every ſuch Enquiry, and every Queſtion that ariſes relating to any ſuch, all Miniſters, Placemen, and Officers, are Parties concerned, not only in Intereſt, but

Anno 13, Geo II. 1739.

Affection; and conſequently, all thoſe who have Seats in this Houſe, muſt, in all ſuch Caſes, be both Judges and Parties, which is directly contrary to the eſtabliſhed Maxim I have mentioned.

'Whether it be owing to the great Number of Placemen and Officers we have had for many Years in this Houſe, or whether it be owing to the Integrity of thoſe who have of late Years been concerned in the executive Part of our Government, I do not know; but I muſt obſerve, that parliamentary Enquiries into the Management of Offices, and Conduct of Officers appointed by the Crown, have, of late Years, been very rare; and yet, in order to keep all ſuch Officers to their good Behaviour, I muſt be of Opinion, that ſuch Enquiries ought to be frequently ſet on Foot, and ſtrictly carried on, tho' no direct Complaint has been made againſt any one particular Officer; for a public Rumour is a ſufficient Ground for a parliamentary Enquiry, and no Man can ſay, that ſuch Grounds have been wanting. But whatever may be the Cauſe of our having lately had ſo few parliamentary Enquiries, I will be bold to propheſy, that, if there ſhould ever be a Majority of Placemen and Officers in this Houſe, we ſhall never afterwards have any more ſuch Enquiries, unleſs they be ſuch as are ſet up at the Inſtigation, and by the Contrivance of Miniſters, in order to gain a little Popularity, by throwing a Scape-Goat among the People. And if this ſhould ever come to be our Caſe, I am ſure no Man could, with Juſtice, ſay that we lived under a free Government, or that our Conſtitution remained entire,

'Thus, I think, Sir, the Queſtion now before us is brought as near a Demonſtration as any ſuch Queſtion can poſſibly be. As Members of this Houſe, we are to enquire into and judge of the Conduct of Miniſters, Officers, and Placemen, entruſted by the Crown with the executive Power of our Government: As Miniſters, Officers, and Placemen, named by the Crown, we are the Perſons whoſe Conduct is to be enquired into. Is it not evident then, that theſe two Characters are incompatible, unleſs we ſay, that Parties may be Judges? Sir, it is ſo evident, that I ſhould be for excluding every Miniſter, Officer, and Placeman, from having a Seat in this Houſe, were it not for the Neceſſity we are under of having ſome of the chief amongſt us, in order to give us proper Information with reſpect to the great Offices they are at the Head of? If this Queſtion admits of a Variety of Opinions, I am ſure every Queſtion in Politics muſt, and therefore, great Care ſhould be taken, that thoſe who are to judge of ſuch Queſtions, ſhall not be

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under the leaſt Biaſs; for the Weight and Efficacy of the Biaſs will always increaſe, in Proportion to the Doubtfulneſs of the Queſtion; which is a new Argument againſt admitting Placemen and Officers into this Houſe.

'We have been told, Sir, that it is impoſſible to ſuppoſe, that Gentlemen of great Fortune and Intereſt in the Country will ſacrifice the Liberties of their Country for the Sake of a Place they enjoy or expect. Sir, it is ſo far from being impoſſible to ſuppoſe this, that it is a common Caſe. It has always been the Caſe in every Country where the Liberties of the People have been ſacrificed. The Liberties of no Country can be ſacrificed, without the Concurrence of many Gentlemen of Family, Fortune and Intereſt, and a criminal Indolence or Paſſivity in the reſt. Some are led, contrary to the Light of their own Underſtandings, by their Avarice, Vanity, Luxury, or Extravagance; others are deceived by ſpecious Pretences, and led into ſuch Meaſures, the certain, tho' not the plain and direct Conſequences of which, are Slavery and arbitrary Power. With the firſt Sort of Men, an honourable and profitable Place affords them an immediate Satisfaction for their Avarice, or Vanity, or an immediate Supply for their Luxury or Extravagance, which they preſer to all other Conſiderations. With the ſecond Sort of Men, an honourable and profitable Place gives them a Biaſs to that Side of the Queſtion upon which their Place depends, and prevents their ſeeing through the ſpecious Pretences that are made uſe of for ſupporting that Side of the Queſtion. And thus, between theſe two Sorts of Men, the Liberties of any Country may probably be given up, if they are committed to the keeping of thoſe that have honourable and profitable Places, which depend upon their making the Surrender.

'Let us conſider, Sir, that even Liberty itſelf is but a Queſtion in Politics. Whether a limited or an abſolute Monarchy be the beſt Sort of Government is but a Queſtion in Politics; and therefore, as the Hon. Gentleman has ſaid, can admit of no Demonſtration. For this Reaſon, even thoſe that are Gentlemen of Fortune and Intereſt in their Country, if they be in the leaſt governed by Avarice, Vanity, Luxury, or Extravagance, may, by an honourable and profitable Employment, be induced not only to ſay and vote, but even to think, that an abſolute Monarchy is the beſt Sort of Government, and that they do a ſignal Service to their Country, by ſacrificing its Liberties. Nay, this very Doctrine has of late been ſupported in private Company, and by Gentlemen of very great Diſtinction. How natural then is it to ſuppoſe, that in political Queſtions,

Anno 12, Geo II. 1739.

where our Liberties are not directly and immediately, but indirectly and conſequentially concerned, a Gentleman of Diſtinction may be induced, by an honourable and profitable Employment, to approve of, or give his Aſſent to the wrong Side of the Queſtion? How natural is it to ſuppoſe, that the Members of this Houſe may, by ſuch Means, be induced to grant ſuch Revenues, ſuch a Number of Troops, and ſuch Powers and Prerogatives to the Crown, as may, for ever after, put it out of the Power of Parliament to controul any of the King's Meaſures, or to puniſh any of his Officers, unleſs they be ſuch as he may be pleaſed to throw out of his Protection; and in this Caſe, whatever Forms of Liberty we might have, I am ſure it would be ridiculous to ſay we had any of the Subſtance remaining.

'Thus, Sir, I think, it is evident almoſt to a Demonſtration, that our Conſtitution and Liberties not only may, but muſt be deſtroyed, unleſs we ſhut the Doors of this Houſe againſt moſt Placemen and Officers, as we have already done againſt all Penſioners; and as this is ſo evident, no Objection that can be invented, no Danger, no Terror, we can be frightened with, ſhall prevent me from exerting all the Power I have from its being done. Slavery to me is the higheſt of all Terrors, and therefore I ſhall be for guarding againſt it at the Riſk of any other Terror that can be imagined. But I muſt ſay, that, in this long Debate, I have not heard one plauſible Objection made againſt this Excluſion. To tell us that a juſt and wiſe Adminiſtration can have no Friends of good Fortune and Intereſt in their ſeveral Countries, but ſuch as have Places or Offices under the Crown, is ſomething very ſurprizing. If this were the Caſe, I am ſure it muſt be granted, that the Places and Offices under the Crown are now become infinitely too numerous. But this, Sir, is not, nor ever can be the Caſe. There are now in every County in England, one with another, two or 300 Gentlemen of Family, Fortune and Intereſt in their ſeveral Counties, who have no Places or Offices under the Crown, and who, under a juſt and wiſe Adminiſtration, would be firm Friends to it, and would be able to ſupport it, in a legal way, againſt all the Jacobites, Republicans, and Diſcontented, that could, in ſuch a Caſe, be within the Kingdom; and, among ſuch a Number, could not the Adminiſtration find one or two to ſtand as Candidates upon their Intereſt at every Election within the County? They certainly might, and their Candidates would have this Advantage, that they would have the Votes and Intereſt of all thoſe Gentlemen of Fortune within the County who had Places or Offices under the Crown, and could not therefore, themſelves, ſtand

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as Candidates at any Election. Therefore, ſhould this Bill paſs into a Law, no future Adminiſtration would be under the Neceſſity of employing any but Men of low or deſperate Fortunes in any Place or Office under the Crown; and, I am ſure, no juſt or wiſe Adminiſtration will ever chuſe it. Anno 13, Geo. II. 1739.

'It has been ſaid, Sir, that we ought not to make any Alteration in our Conſtitution without an apparent Neceſſity; and that the Alteration propoſed by this Bill cannot appear neceſſary, unleſs we ſuppoſe ſuch a venal and abandoned Spirit to prevail in the Nation, that moſt Gentlemen of Family and Fortune amongſt us, would be ready to ſacrifice the Liberties of their Country, rather than riſk loſing a good Poſt or Employment under the Crown. Sir, it is to prevent the Growth of ſuch a venal and abandoned Spirit, that this Bill is intended. When the Crown had but few lucrative Poſts to beſtow, the moſt abandoned Adminiſtration could not contribute much to the Growth of this Spirit; but the Crown has now ſuch a Number of lucrative Poſts to beſtow, that, if theſe Poſts ſhould be applied to the Purchaſe of a Gentleman's Vote in this Houſe, or his Intereſt at Elections, ſuch a Spirit would ſoon prevail, and at laſt become univerſal. It would begin in this Houſe: It would grow by Example: One Gentleman's being corrupted would not only be an Example, but it would give Countenance to a ſecond; he to a third, and ſo forth, till at laſt it would ſpread thro' the Majority of this Houſe. From this Houſe it would deſcend to Elections; for he that ſells will purchaſe, if he can otherwiſe have nothing to ſell. Begin, Sir, at the Fountain: Clear that from Corruption, and the Stream will ſoon run clear; for if Members cannot ſell Votes in Parliament, they will never, or very ſeldom, buy that Commodity at Elections. Their Vanity may ſometimes prompt them to do ſo, but this can happen but ſeldom, and can never have any great Effect.

'I ſhall not ſay, Sir, that Placemen have ever approved or oppoſed Queſtions in this Houſe, becauſe they were Placemen, and for no other Reaſon; but this I will ſay, that the Majority of the Nation think they have often done ſo; and I muſt obſerve, that ever ſince I ſat in Parliament, our Placemen have generally been of the ſame Side with our Miniſters: If any of them dropt by Chance into the other Side of the Queſtion, they have of late Years ſoon ceaſed to be Placemen. Nay, even in this Houſe, we have heard it delivered as a miniſterial Maxim, that no Man ought to be allowed to keep his Place under the Crown, if he follows the Directions of his Conſcience, and votes againſt any of the Miniſter's Meaſures or Jobbs in Parliament. This makes

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Anno 13, Geo II. 1739.

me think the Bill the more neceſſary: The whole Nation thinks ſo; and if this Queſtion ſhould paſs in the Negative, the whole Nation will think the Bill more neceſſary than they ever thought it before. They will think it abſolutely neceſſary to have ſuch a Bill, but now not poſſible to obtain it; which will of courſe raiſe ſuch a Diſcontent, or perhaps Diſaffection, in the Nation, as may be of dangerous Conſequence to the preſent Eſtabliſhment.

'It is really, Sir, moſt aſtoniſhing to hear it ſaid, that the Adminiſtration's Intereſt in the ſeveral little Boroughs upon our Coaſt, depends upon the natural Intereſt of thoſe that have Places under the Crown. This, I ſay, is moſt aſtoniſhing, conſidering how notoriouſly it is known to be otherwiſe. I ſhall grant, that if the Intereſt made in the little Boroughs by Cuſtomhouſe-Officers, Exciſemen, Officers of Dock-Yards, and ſuch like Gentlemen, be a natural Intereſt, a Clerk of the Treaſury or Admiralty may be ſaid to have a great natural Intereſt in his Borough; but as this Intereſt depends upon his Poſt, and not upon his Family or Fortune, I cannot call it a natural Intereſt. Do not we know, Sir, that many of our little Boroughs are already become ſo venal, ſo publickly venal, that their Brokers, or rather their Pimps, deal as openly for the Sale of them, as Bawds do for the Sale of a Proſtitute. This infamous Traffic I am for putting an End to; and as the Bill now propoſed will be of great Service for this Purpoſe, I ſhall be not only for bringing it in, but for having it paſſed into a Law.

'After nine Hours Debate, the Queſtion was put, and paſſed in the Negative, Ayes 206 Noes 222.'

Debate on the Call of the Houſe.

The 31ſt, a Negative having been put December 18, on a Motion for a Call of the Houſe, it gave Riſe this Day to the following Debate.

William Pulteney, Eſq;

SIR,

William Pulteney, Eſq;

'It is with Regret I obſerve, that almoſt every Seſſion introduces ſomething new, in diminution of the Liberties, or derogatory to the Conſtitution of this Kingdom. In former times, the Grant of a Supply often ſtood a long Debate in this Houſe, and was ſometimes abſolutely refuſed; now it is always granted, *Nemine contradicente*. The Malt-Tax was never introduced till towards the latter End of King William's Reign, and was at firſt moſt ſtrenuouſly oppoſed: Nay, even during the War in Queen Anne's Time, it was often oppoſed, and was looked on as a Tax ſo burdenſome upon the poor Labourers and Manufacturers of this Kingdom, that no Man imagined any Miniſter would have the

the Aſſurance to propoſe renewing or continuing it, after the War was over: Even our Neighbours of Scotland thought themſelves ſo ſure of this, that, by the Articles of Union, they ſtipulated to be free from this Tax except during the War; but they, as well as we, have ſince found themſelves miſtaken: This grievous Tax has been continued to this Day, and is now, in ſome meaſure, become a Motion of courſe. The Mutiny-Bill was at firſt thought to be a moſt dangerous Innovation, and was therefore moſt violently oppoſed, eſpecially in Time of Peace; but it is now become ſo familiar to us, that we paſs it regularly every Year, without the leaſt Oppoſition, as if a Standing Army and a Mutiny Act were two Things abſolutely neceſſary for the Subſiſtence of our Conſtitution. Not many Years ago, the Members of this Houſe, when aſſembled, looked upon themſelves as the Grand Inqueſt of the Nation, and therefore thought themſelves in Duty bound to enquire into every Grievance and Complaint, without any other Foundation than a public Rumour; but now every Motion, that tends to an Enquiry into any Complaint, is rejected; or if any ſuch Enquiry be ever ſet on Foot, it is committed to thoſe who are themſelves ſuſpected of being the original and chief Cauſe of the Complaint. Anno 13, Geo II. 1739.

'Thus, Sir, we have, for ſeveral Years, gone on approaching, I am afraid, to the Confines of Slavery; and in this Seſſion we have made a new and a very extraordinary Step. Till this Seſſion it was always thought, that every Member of this Houſe had a Right to move for a Call of the Houſe. We are Fellow-Labourers for the public Good: We are all joint-Guardians of the Liberties of our Country; and every Member has a Right to inſiſt upon it, that his Companion ſhould attend and bear an equal Share of the Burden, or at leaſt a Share proportionable to his Strength and Capacity. But in this Seſſion, Sir, we have ſeen a Motion for a Call rejected, tho' that Motion was the firſt of the kind that had been made, tho' it was ſupported by ſtrong Reaſons, and tho' it was deſired by near one half of thoſe that were then preſent. This I muſt look on as a moſt dangerous Innovation; for when we begin to encroach upon or derogate from our own Rights, no Man can tell how far it may go: I do not know, but I may live to ſee the Queſtion put upon a Gentleman's riſing up to ſpeak, whether he ſhall have leave to ſpeak? And if ever ſuch a Queſtion ſhould be put, I ſhall not in the leaſt doubt of its being carried in the Negative, in caſe there ſhould be a Suſpicion of the Gentleman's intending to utter Things diſagreeable to thoſe that may then have the Direction of the Majority of this Houſe.

'For

Anno 13, Geo II. 1739.

'For this Reaſon, Sir, I was extremely ſorry when I ſaw the Queſtion put upon ſuch a Motion, and ſtill more ſorry when I ſaw that Queſtion carried in the Negative; and if I were not fully convinced, that there were then ſeveral Objections to the Motion, which do not now ſubſiſt, I ſhould take Care not to lay a Foundation for another Precedent of the ſame Nature. But as the moſt material Objections are now removed, I believe, I may venture to move again for a Call of the Houſe; and, as I am under great Concern for the Succeſs of my Motion, I ſhall beg leave to explain ſome of thoſe Objections which do not now ſubſiſt.

'For this Purpoſe, Sir, I muſt take Notice, that if the laſt Motion for a Call had been complied with, the Country-Gentlemen who have no Place or Office under the Crown, and are therefore under no Obligation, but that of Conſcience, to attend the Service of this Houſe, unleſs we force them to it by a Call, would have found themſelves under a Neceſſity of keeping their Chriſtmas in Town, inſtead of keeping it in the Country; and I muſt farther take Notice, that, according to my Obſervation, every Gentleman in this Houſe that has, or is ſuſpected of having a Poſt, Office, or Penſion from the Crown, gave his Negative to that Motion. Now, I hope, they will give me Leave to ſuppoſe, which very few others will do, that their giving this Negative proceeded from the great Regard they have for the poor People in the Country. By the Nature of their Place or Office, they are obliged to attend punctually the Buſineſs of this Houſe, and to reſide, for the greateſt Part of the Year, perhaps the greateſt Part of the ſeven Years, in this great City. By this Means the Poor in the Country are deprived of that Hoſpitality, which they ſo generouſly, and ſo charitably keep, when an Election, or ſome ſuch Occaſion, calls upon them to viſit their Conſtituents; and in order to atone, as far as they could, for the Loſs the Poor ſuffer by their Abſence, they were unwilling to draw away from the Country any of thoſe Gentlemen who might, and were inclined to keep their Chriſtmas there. But as Chriſtmas is now over, this Reaſon no longer ſubſiſts; therefore I now hope to have the Concurrence of many of thoſe Gentlemen who voted againſt the laſt Motion for a Call; and I wiſh for it the more ardently, becauſe, I expect no Succeſs unleſs I have the Concurrence, or at leaſt the Connivance of ſome of them.

'Another Objection, Sir, that does not now ſubſiſt, is that which was removed the very laſt Day of our meeting together in this Houſe: I mean the Motion for Leave to bring in a Bill, for the better ſecuring the Freedom of Parliaments,

Parliaments, by limiting the Number of Officers to ſit in the Houſe of Commons. This Bill, if it ſhould paſs into a Law, would certainly exclude many Gentlemen who have now the Honour of having Seats in this Houſe: At leaſt it would render them incapable of being choſen Members of a new Parliament, unleſs they ſhould reſign the Offices they now enjoy. I have ſo good an Opinion of the Officers and other Placemen, who are now in this Houſe, that every one of them would, I believe, give it his Concurrence, notwithſtanding the private Diſadvantage it would be to him, if he thought the paſſing of ſuch a Bill abſolutely neceſſary for the Preſervation of our Conſtitution; but, I hope, they will pardon me if I think, that their private Intereſt prevents their ſeeing the public Neceſſity; for, in this, my Opinion is confirmed, by their unanimouſly joining to put a Negative upon the very Motion for Leave to bring in ſuch a Bill. Now, when the laſt Motion for a Call was made, it was ſtrongly ſuſpected, nay it was, I dare ſay, by moſt of them firmly believed, that there would be ſome ſuch Motion ſoon after the Chriſtmas Holy-days; and as moſt of the Country-Gentlemen that were then abſent, have, upon former Occaſions, appeared to be Friends to every ſuch Propoſition, it was the Buſineſs of thoſe that were againſt it, to prevent their being brought up to Town, till after that Motion was over, in order that the Motion might appear to have as few Friends in this Houſe as poſſible, eſpecially conſidering the vaſt Majority of Friends the Bill appears to have in every other Part of the Kingdom. Anno 13, Geo II. 1739.

'This, Sir, was, I believe, the moſt material Objection againſt a Call when the Motion was laſt made, which I am the rather induced to believe, becauſe I obſerved that moſt, if not every one of thoſe that appeared againſt the Call, appeared likewiſe againſt the Motion for this Bill; and in this I muſt allow they acted like good Generals; for when a General expects to be attacked, it is certainly his Buſineſs, if poſſible, to prevent the Enemy's being able to aſſemble all their Forces together, eſpecially when he can do it without diſperſing or loſing the Aſſiſtance of any of his own Troops. But as this Attack is now over: As they can be afraid of no future Attack in this Seſſion of Parliament, I hope, they will allow us to have the Authority of this Houſe, for compelling the Attendance of thoſe Members, who can by no other Means be compelled to attend their Duty in the Execution of that Truſt which they have accepted of from their Country. Therefore I cannot think, that even the * Hon. Gentleman

* *Sir Robert Walpole.*

Anno 13, Geo II. 1739.

near me, will now be againſt a Call, unleſs he be, on his Part, meditating ſome new Attack. To have the Houſe called over once at leaſt in a Seſſion, is in itſelf ſo reaſonable, and has been ſo conſtantly practiſed, that I ſhall expect even his Concurrence, unleſs he has ſomething in petto, which he thinks will ſuit beſt with a thin Aſſembly; and if, by giving his Negative to this Queſtion, he declares he has, I hope it will have the ſame Effect with a Call: I hope it will bring every abſent Member to Town, that has the leaſt Regard for the Liberties of his Country.

'After having thus ſhewn, Sir, that thoſe Reaſons, which induced many Gentlemen to be againſt the laſt Motion for a Call, do not now ſubſiſt; if I knew any Reaſon ſtill ſubſiſting againſt it, I would endeavour to ſtate and anſwer it; but I cannot really ſuggeſt to myſelf the leaſt Shadow of a Reaſon now ſubſiſting againſt it, except that which I have mentioned, and which, in the Opinion of moſt Gentlemen preſent, will, I hope, be a prevailing Argument in its Favour. I ſay, Sir, I cannot ſuggeſt to myſelf the leaſt Shadow of a Reaſon againſt what I am to propoſe; for ſurely Gentlemen are not in earneſt when they ſay, that, becauſe many Gentlemen abſented themſelves from the Houſe laſt Seſſion, after being convinced that their Preſence could be of no Service to their Country, therefore no Gentleman ought to be compelled, during this Seſſion, to give his Attendance. This may be a Foundation for ſome Gentlemens ſhewing us how great Maſters they are of Wit and Humour (as they did upon the laſt Motion for a Call) but it can never be a Foundation for a ſerious Argument. And I muſt obſerve, that however witty thoſe Gentlemen may be upon the Seceſſion, as they are pleaſed to call it, it had a very good Effect. I am convinced, the Gentlemen that retired from the Houſe, did more Service to their Country by retiring, than they could have done by continuing in their Seats. They ſaw they could not by their Preſence prevent or alter the deſtructive, pacific Humour ſome Gentlemen were then in; and therefore they reſolved to try what they cou'd do by their Abſence. Accordingly it had the deſired Effect: It made us reſolve to vindicate our Honour and our Rights by Arms, ſince we ſaw we could not do it by fair Means; and if the War be but tolerably conducted, it will, with the Aſſiſtance of Providence, contribute as much to the Glory and Advantage of this Nation, as any War we were ever engaged in.

'As this Change of Meaſures removed the Cauſe which Gentlemen had to abſent themſelves from the Houſe, moſt of them have now returned, becauſe, if we are really reſolved

reſolve to proſecute the War with Vigour, their Attendance here may be of ſome Service to their Country. Thoſe who are now abſent have no Reaſon of a public Nature for their Abſence; and I am for having the Houſe called over, in order to ſee, whether any, and which of them, may have a good Reaſon of a private Nature; for ſurely they ought to be here, if they have no good Reaſon of any kind for being abſent. Not only the conſtant Cuſtom of Parliament, but many cogent Reaſons of a particular Nature at this Time plead in Favour of what I propoſe, and there is not the leaſt Shadow of Reaſon againſt it; even thoſe who have been for many Years the conſtant and unvariable Friends of the Adminiſtration, can now have no Objection to it; and, if a Negative be put upon it, merely out of Wantonneſs of Power, it may again afford a good Reaſon of a public Nature, not only for thoſe that are abſent to continue ſo, but for many of thoſe that are preſent, to retire a ſecond Time; for, when Things are carried in this Houſe without any Reaſon, by what I muſt, in ſuch a Caſe, call an unreaſonable Majority, thoſe who are governed by their Reaſon have no Buſineſs here, becauſe their Attendance can be of no Service to their Country, and may throw a Blemiſh upon their Characters: As the Cuſtom of this Houſe does not allow of Proteſting, or entering our Diſſent upon the Journals, when deſtructive Meaſures are purſued, and authorized or approved by this Houſe, neither the preſent Generation nor Poſterity can diſtinguiſh who were for or againſt that Authority or Approbation; and therefore, the only Method Gentlemen have for vindicating their Characters, is to retire from an Aſſembly where their Preſence may give Countenance to Reſolutions which their Negative cannot prevent, nor their Conſcience approve.

Anno 13, Geo. II. 1739.

This ſort of Abſence, Sir, is what even an Adminiſtration ought to prevent, or put an End to as ſoon as poſſible, becauſe it can never happen but when ſuch Queſtions are carried, as are condemned by a great Majority of the Nation. The preſent Adminiſtration have wiſely taken care to remove the Cauſe of many Gentlemen's abſenting themſelves from the Houſe laſt Seſſion, by giving them, as well as the Nation, the Satisfaction they deſired; and the beſt Method they can take for preventing the like in Time to come, is to put always a greater Confidence in their Arguments than in their Numbers. I hope they will do ſo upon the preſent Occaſion, and therefore I ſhall beg leave to ſtate ſome of thoſe Arguments in favour of my Motion, which proceed from the critical Situation our Affairs are in at preſent. Let us conſider, Sir, we are now engaged in a War, which is already

Anno 12, Geo II. 1739.

expenſive, and may become dangerous. We have it from a great Authority, That in a Multitude of Counſellors there is Safety; and as we, in this Houſe, may aſſiſt his Majeſty not only with our Purſes, but alſo with our Advice, therefore the more numerous and full our Aſſembly is, the better Advice we may give, the more Weight, I am ſure, it will have, both Abroad and at Home. The Reſolutions of a full Houſe will add great Weight to all his Majeſty's Negotiations Abroad, and encourage foreign Powers to enter into Alliances with us. But a little while ago we were told by an * Hon. Gentleman, whoſe Veracity cannot be queſtioned, and whoſe Knowledge may be depended on, that we had not one Ally in the Univerſe. In the preſent War we have, as yet, no Occaſion for an Ally; we can have no Occaſion for an Ally, unleſs our Enemies ſhould get ſome very powerful Allies to aſſiſt them. The Reſolutions of a full Houſe of Commons will ſhew the Spirit of the Nation, and may thereby very probably prevent our Enemies getting any ſuch Aſſiſtance; or if they ſhould, thoſe Reſolutions may enable his Majeſty to form a Confederacy upon the Continent of Europe, which may give our preſent Enemies and their future Allies ſo much to do at Land, as may diſable them from giving us any Oppoſition at Sea, or in any Part of the Weſt-Indies: Whereas, if it be obſerved by foreign Powers, as it certainly will, that there is but a ſmall Number of Members in this Houſe, and that the Friends of the Adminiſtration have, by a moſt extraordinary and unprecedented Negative, prevented an Increaſe of that Number, they will either conclude, that the preſent War is not a National, but a Miniſterial War, which, I am ſure, is far from being the Caſe; or they will conclude, that our Miniſters have entered into the War, only to amuſe the People, and that they have not a mind to proſecute it in ſuch a manner as to give Satisfaction to the Nation; either of which Concluſions will not only diſcourage thoſe that incline to give us Aſſiſtance, but encourage thoſe that incline to give Aſſiſtance to our Enemies.

'Thus it appears, Sir, that, with regard to our Affairs Abroad, it is abſolutely neceſſary to have a full Houſe; and with regard to our Affairs at Home, it is ſtill more neceſſary. Let us conſider, Sir, that in this War, and, indeed, in every War we can be engaged in, we ought to take all the Methods we can think of, for giving Satisfaction to thoſe that contribute towards the Expence of the War, and Spirit to thoſe that carry it on. The People will pay their Taxes

* *Horatio Walpole, Eſq;*

Taxes with Pleaſure, when they find they are granted by a full Houſe; becauſe they will ſuppoſe that no larger Sums are granted, than are neceſſary; and that every Shilling they pay, will be applied, with the greateſt OEconomy, to the public Service. Then, with regard to thoſe that are, or may be employed in any of our warlike Operations, there is nothing gives greater Spirit and Confidence to thoſe that fight either by Sea or Land, than their being convinced, that they are directed in every thing they undertake by wiſe Councils, and commanded by brave and experienced Officers. This both our Soldiers and Sailors will believe, when they find that all our Meaſures are adviſed and comptrouled by a full Houſe of Commons: They will ſuppoſe thoſe Miniſters to be wiſe, vigilant, and careful, that are willing, upon all Occaſions, and in every Step, to ſubmit their Conduct to the Review of a full and free Houſe of Parliament: This will inſpire every Soldier with a Confidence of Succeſs, and this Confidence will always be almoſt an infallible means to ſecure it. Anno 13, Geo. II. 1739.

'On the other hand, Sir, if this Houſe be not near full, eſpecially if its being ſo be prevented by thoſe that are the known Friends of the Adminiſtration, what muſt the Conſequence be? Does not every one know, that thoſe who are in any Poſt or Employment under the Crown, muſt attend upon the private Call of the Miniſter; but that thoſe who are under no ſuch Influence, depend only upon the public Call of the Houſe? Does not every one know, that the former will be made uſe of whenever the Miniſter thinks he has Occaſion for it; and will not every one ſuppoſe, that he prevents the latter, becauſe he is afraid of having his Conduct enquired into or directed, by a full and free Repreſentative of the Nation? From hence every Man muſt naturally conclude, that his Conduct is either weak or wicked, or perhaps both; and this will of courſe raiſe an univerſal Diſſatisfaction among the People, and a general Diffidence among our Soldiers and Sailors. This Diſſatisfaction may expoſe us to a real Danger of being invaded, and this Diffidence may render it impoſſible for us to prevent or oppoſe that Invaſion.

'The preſent Situation of our Affairs, therefore, both at Home and Aroad, particularly require a full Houſe; and beſides this, Sir, we have now under our Conſideration ſome Affairs of the utmoſt Importance to this Nation. We have already ordered a Bill to be brought in for regiſtering Seamen: What ſort of one it may be, I do not as yet know; but it is an Affair in which the Liberties and Well-being of one of the moſt numerous and uſeful Bodies of Men in the Kingdom

Anno 13, Geo II. 1739.

Kingdom are deeply concerned; and therefore, I am ſure, it highly deſerves to be conſidered in a full Houſe. It is really, in my Opinion, an Affair of ſuch Conſequence, that I ſhould think the very Rumour of our being to have ſuch an Affair ſoon before us, would render a Call unneceſſary. It certainly would do ſo, if Gentlemen were properly touched with what may ſo ſenſibly affect the Happineſs and Proſperity of their Country; but the Queſtion that was before us the very laſt Day we met here, convinces me, that nothing but a Call can force ſome Gentlemen to attend the Service of their Country in this Aſſembly. In that Queſtion the Preſervation, the very Being of our Conſtitution was concerned, and yet there were not much above two Thirds of our Number preſent, which was, perhaps, the Occaſion of a Negative's being put upon the Queſtion; for I muſt obſerve, that, of thoſe who were for that Negative, there were, at leaſt, two Thirds that poſſeſſed Places or Offices under the Crown, and were conſequently, from their private Intereſt, engaged to have a Negative put upon that Queſtion. I am far from ſaying, that any of them was governed by ſuch a Motive, becauſe in all Affairs of a public Nature, I believe, they never have the leaſt Regard to their private Intereſt; but, if it could be ſuppoſed, that any Member of this Houſe were governed by his private Intereſt, it muſt be allowed, that ſuch a Member would never vote for excluding himſelf from having a Seat or Voice in this Aſſembly, till after he had reſigned the lucrative Poſt or Office he enjoyed under the Crown.

'This late Experience, Sir, has convinced me, that nothing but a Call can bring up the Members that are now abſent; and, as it has been the conſtant Cuſtom to call over the Houſe, at leaſt once in a Seſſion, as there are many ſtrong Reaſons of a particular Nature now for it, as there is not the leaſt Shadow of a Reaſon againſt it, I hope it will be complied with; therefore, I ſhall conclude with moving, that this Houſe be called over upon this Day three Weeks, being the 21ſt of February next.'

Robert Tracy, Eſq;

SIR,

Robert Tracy, Eſq;

'I ſhall agree with the Honourable Gentleman who made you this Motion, that the Seceſſion which happened laſt Seſſion of Parliament, was the Cauſe of our changing our Meaſures; but I differ widely from him as to the manner in which that Cauſe produced its Effect. He ſeems to think, it had an Effect upon the Court of Great Britain, and was the immediate Cauſe of our giving over to negotiate,

tiate, and beginning to fight with Spain; whereas, I think, it had not the leaſt Effect upon our Court, but had an immediate Effect upon the Court of Spain, and was the only Cauſe of that Court's refuſing to comply with any one thing that was ſtipulated by the Convention. I am perſuaded, the Spaniſh Miniſter here thought the Seceſſion of ſo extraordinary and dangerous a Nature, that our Miniſters would ſubmit to any Uſage from Spain, rather than declare War whilſt the Nation was in a Condition ſo diſtracted and forlorn: Nay, I do not know but that he was confirmed in this Opinion, by ſome amongſt ourſelves without Doors; and an Account of this Seceſſion, with his Opinion upon it, being tranſmitted by him to the Court of Spain, they gave entire Credit to his Accounts, and placed an implicit Faith in his Opinion, which was the Cauſe of their Obſtinacy, and their Obſtinacy was the Cauſe, and a moſt juſt Cauſe too, for our Court's altering its Meaſures. Thus the Seceſſion was the Cauſe, but not the immediate Cauſe of our beginning Hoſtilities againſt Spain. When that memorable Event happened, we were in a Courſe of Negotiation: Even Spain itſelf ſeemed inclined to do us Juſtice; but that Event put an End to their peaceable Inclinations, and this of courſe put an End to ours. Anno 13, Geo II. 1739.

'From hence, I think, Sir, it is at leaſt highly probable, that the War we are now engaged in, was chiefly owing to the Seceſſion; and when Gentlemen conſider this, however confident they may at any time think themſelves of being in the right, notwithſtanding the Majority's being of a different Opinion, I hope they will be cautious of ever leaving the Houſe in a Body, as many of them did at that Time, becauſe it can never be of any Service, and may be of great Prejudice to their Country. The only Precedent I can think of for ſuch a Method of Proceeding, is that which happened in the long Parliament in King Charles IIſt's Reign; and the Conſequence that enſued at that Time, cannot, I am ſure, give Encouragement to any Man to follow the Example. The Misfortunes and the melancholy Cataſtrophe of that Reign, and the Tyranny that was afterwards ſet up, ought to be a Warning to Gentlemen, not to deſert the Service of their Country in this Houſe, even tho' many Things be agreed to by the Majority, which they think inconſiſtent with the Intereſt of their Coutry. At leaſt, they ought not to leave the Houſe, unleſs their Attendance here be abſolutely inconſiſtent with the Safety of their Lives, which was the Caſe of many Members at that Time.

'But, Sir, when Gentlemen retire voluntarily, and as it were in a Pet, they can expect no Excuſe from their Country,

Anno 13, Geo II. 1739.

Country, and, I am ſure, they deſerve no Favour from thoſe that continue in their Duty. Suppoſe ſome of theſe pettiſh Seceders ſhould, in a little Time, reaſon themſelves out of their Pet, and ſhould return to their Duty in this Houſe, could they, with any Countenance deſire, that the Houſe ſhould do them the Favour to compel the Attendance of their Companions? If they did, ought it not to be ſuppoſed, that they did it for no other Reaſon, but that their Return might be as conſpicuous as their Seceſſion? This, Sir, I take to be the very Caſe at preſent: A Number of Gentlemen retired laſt Seſſion from the Service of their Country in this Houſe, I muſt ſuppoſe in a Pet, becauſe I can aſſign no other Reaſon: Many of them have this Seſſion returned, but ſome have not; and now thoſe that have returned, deſire the Favour of us, to call the Houſe over, in order to force the reſt to return to their Duty. I ſay, Sir, they deſire the Favour; for a Call is a Favour granted by the Houſe to thoſe that deſire it. It is not a Right that every Member may inſiſt on. Every Member has a Right to move for it; but a Queſtion is always to be put upon that Motion, and it is never complied with unleſs agreed to by the Majority. A Call is therefore very different from the Right every Member has to be heard; for when a Member riſes up to ſpeak, I believe it was never yet put to Queſtion, whether or no he ſhould have leave to ſpeak.

'The Motion now before us is therefore a Favour, which the Hon. Gentleman, that made it, deſires of us, and every Gentleman has a Right to conſider whether it ought to be granted, and to refuſe it, if he thinks it unreaſonable. I am one of thoſe that think it unreaſonable, and ſhall therefore be againſt granting it. We gave thoſe that are returned Leiſure to cool of the pettiſh Humour they had fallen into laſt Seſſion: I think it was right to do ſo, and with regard to moſt of them, it has had a proper Effect: If there are any of them that are not as yet grown cool, and therefore continue in the Country, I am for leaving them ſtill there. The Country, we know, is a proper Place for Reflection and Conſideration; and no Cure is ſo good for a pettiſh Humour, as cool Reaſoning and mature Deliberation. If we ſhould force them out of their Country Retirement, they will, probably, oppoſe every thing we do; and it is not ſo much the Numbers, as the Unanimity of thoſe that are here, that gives Credit to the Nation, or Weight to his Majeſty's Negotiations at foreign Courts. Even at Home, the Diviſions among the People without Doors, are generally owing to the Diviſions among thoſe within; and when the Diviſions among thoſe within appear to be near equal, they

they often occaſion what approaches very near to Sedition, among thoſe that are without. We ſeem now to be pretty unanimous, at leaſt with regard to our foreign Affairs. Even thoſe who have this Seſſion returned to their Seats in this Houſe, ſeem willing to agree to every Thing that may contribute to a vigorous Proſecution of the War; and no Wonder they ſhould be ſo; for they cannot well refuſe to contribute all in their Power to the vigorous Proſecution of that War, which they themſelves were, as I have ſhewn, the remote Authors of. This Unanimity will ſhew our Enemies what they are to expect; and, by deſtroying their Hopes of being able to hurt us, or defend themſelves, will of courſe render them inclinable to agree to reaſonable Terms, which muſt neceſſarily bring the War to a happy and ſpeedy Iſſue; therefore, we ought to do nothing that may, in the leaſt, interrupt that Unanimity which now ſo happily prevails amongſt us. Anno 13, Geo. II. 1739.

'Beſides, Sir, the Hon. Gentleman who made you this Motion, has himſelf, I think, given you a very good Reaſon for not agreeing to it. In giving a Reaſon for the Seceſſion laſt Year, he told us, that Gentlemen may ſometimes, for the Sake of Conſcience, and for preſerving their Characters, be obliged to leave the Houſe: He even ſeemed to intimate, that this was the Cauſe of Gentlemens leaving the Houſe laſt Seſſion: Now, if ſome of thoſe Gentlemen have got over this Scruple of Conſcience, how do they know that all the reſt have? We muſt naturally, or at leaſt charitably I think, ſuppoſe, that thoſe who have not returned, have not as yet got over this Scruple of Conſcience; and as I ſhall always be againſt putting any Sort of Force upon a ſcrupulous and tender Conſcience, I muſt be againſt compelling the Attendance of ſuch Gentlemen in this Houſe. I am far from finding fault with any of thoſe Gentleman that have returned: I think they have done their Duty in doing ſo; but I cannot help comparing them to the preſent King of Spain. He, ſome Years ago, reſigned his Crown, out of a Pet, and, I think, it was a religious or conſcientious Pet too. I wiſh they had held him at his Word, and never allowed him to reſume, as they might and ought to have done; for his ſecond Son, now Prince of Aſturias, was the natural Succeſſor to his eldeſt, who died King of Spain. But they allowed him to reſume his Crown; and we know what Diſturbances he has ſince bred in Europe. If the Gentlemen who left their Seats laſt Seſſion, had been taken at their Word: If we had ordered their Seats to be filled up by new Elections, they could have complained of no Injuſtice. But we have this Seſſion allowed ſuch of them as

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have returned, to reſume their Seats. In this we have ſhewn ourſelves to be as indulgent as the Subjects of the King of Spain; and, I hope, they will take Care not to make ſuch an Uſe of the Indulgence they have met with, as his Catholic Majeſty has done. They have hitherto ſhewn, that they do not incline to do ſo; but, if we ſhould call in thoſe that, for ought we know, are ſtill in a bad Humour, I do not know what might happen. Evil Company, they ſay, corrupts good Manners. 'Tis a dangerous Experiment to mingle the Infected with thoſe that are but juſt recovered. For this Reaſon, I was againſt the Call, when it was laſt propoſed; and as this Reaſon ſtill ſubſiſts, I am ſtill againſt it.

'There was no true Reaſon, Sir, for being againſt the Call, when it was laſt propoſed, but what ſtill ſubſiſts in its full Force. Every one muſt be ſenſible, that the Hon. Gentleman was not ſerious in the Reaſons he aſſigned, and which, he ſaid, are not now ſubſiſting. However merry he may make himſelf upon this Occaſion, and we are ſenſible of his ſuperior Talent in that Way, I ſhall always think, that Gentlemen are more uſefully employed in entertaining their Neighbours in the Country, than in oppoſing every neceſſary Meaſure of Government in this Houſe; and therefore, I ſhall always be againſt compelling any Man to come here, who, by his former Conduct, has given me Reaſon to ſuſpect, that, when he is here, he will certainly do ſo again. As for the Queſtion that was before us the laſt Time of our meeting here, which was but the Day before Yeſterday, I ſhall never be afraid of its being conſidered in a Houſe full of Members, that are free from the Prejudices of Paſſion and Intereſt. The Reaſons againſt the Queſtion are ſo many and ſo powerful, and the Reaſons for it ſo few and ſo weak, that, in ſuch a Houſe, I do not in the leaſt doubt of its meeting always with the ſame Fate, and that the more full the Houſe is, the greater the Majority will be that appears againſt it.

'This therefore could be no Reaſon, Sir, for any Gentleman's being againſt a Call, the laſt Time it was moved. With me, I am ſure, it would rather have been a Reaſon for my being for a Call; becauſe, tho' ſome of thoſe that are abſent would perhaps have voted in favour of that Queſtion, I am convinced many more of them would have voted againſt it. My chief Reaſon for being then againſt a Call was, as I have ſaid, becauſe I was againſt our doing any thing that might interrupt or leſſen that Unanimity in this Houſe, which, with Pleaſure, I obſerve, in every Thing that relates to a vigorous Proſecution of the War; and as this Reaſon againſt a Call is now as ſtrong as it was at that Time,

Time, I muſt therefore be againſt agreeing to the Hon. Gentleman's Motion. Anno, 13 Geo. II. 1739.

George Lyttleton Eſq;

SIR,

'The Seceſſion, as it is called, which happened upon a very remarkable Occaſion laſt Seſſion, is a Point that cannot be reaſoned upon here; and therefore, I ſhall make no Application of what I am going to ſay. I have heard, Sir, of Phyſicians taking their Leave of a ſick Houſe, when they thought they could do no Good there, and were not over greedy of Fees; for ſome are ſo keen after Fees, that they would ſtay and preſcribe to a dead Body. But I have heard of others, of a more generous Character, refuſing to continue their Attendance, when they fear'd it was of no Benefit, and yet returning again upon being called to a new Conſultation, when better Symptoms appeared, and greater Hopes of a Recovery. to offer, at leaſt, the proper Remedy, whether it ſhould be taken or not.' George Lyttleton, Eſq;

Horatio Walpole, Eſq;

SIR,

'The Motion now under our Conſideration, is a Matter of ſuch Indifference to me, that I am perfectly eaſy whether you agree to it or not. I ſhall grant that it is very uſual to call the Houſe over, at leaſt, once in a Seſſion; but, I could never obſerve, that it was of any Advantage to the Public, and it is often of great Inconvenience to private Gentlemen, who have the Honour, in this Caſe I may ſay, the Misfortune, to have a Seat in this Houſe. I take it for granted, that every Gentleman who has any thing to offer for the Service of his Country or Conſtituents, or who thinks he has any thing to guard againſt that may be of Prejudice to either, will attend duly in his Place; and, I cannot think there is any great Neceſſity for a Gentleman's being here, who thinks his Abſence can do no Harm, nor his Preſence any Good. But, when the Houſe is ordered to be called over, with the uſual *Certiorari*, that all thoſe who do not then attend, ſhall be taken into Cuſtody, no Gentleman can be ſure, that his Excuſe will be admitted, and therefore may think themſelves obliged to attend, tho' their Attendance can be of no Service at that Time to the Public, and may be of great Prejudice to them in their private Affairs. Horatio Walpole, Eſq;

'From this Conſideration, Sir, I have always been of Opinion, that a Call of the Houſe is neither neceſſary, nor ought to be made ſo often as it is; and ſince, in the laſt Seſſion, we indulged a great many with the Privilege of be-

anno 13, Geo. II. 1739.

ing abſent, tho' we knew they had no Excuſe, I think thoſe that are now abſent have Reaſon to expect, at leaſt from them, the ſame Indulgence. I ſhall not find fault, Sir, with the Privilege Gentlemen took to themſelves upon that Occaſion: Whatever was their Pretence, they ſoon found their Abſence condemned by the whole Nation, and, I believe, they have ſince heartily repented of what they did, which makes me, and I hope it has made their ſeveral Conſtituents, ready to forgive them. But I cannot forbear taking Notice, that the Honourable Gentleman who ſpoke laſt, puts me in mind of a merry Paſſage in a French Play, where a Gentleman aſks a Servant, How her Maſter does? In a fair way of doing well, Sir, ſaid ſhe, for his Phyſicians have juſt taken their leave of him.

'Now, Sir, to apply this to what happened laſt Seſſion: I muſt obſerve, that after our political Phyſicians had taken their leave of the Houſe, as ſome of them did in a very ſolemn manner, Things went better than they had done for a great while before. Several Laws were paſſed, which gave great Satisfaction to the People; every thing was carried on with great Concord and Unanimity; and to the Joy of our Friends, and Diſappointment of our Enemies both at Home and Abroad, the Nation ſoon appeared in perfect Health and full Vigour. Among ſeveral good Laws paſſed in that Interval, I cannot but take notice of the Act for granting a Liberty to carry Sugars of the Growth, or Manufacture of any of his Majeſty's Sugar Colonies in America, from the ſaid Colonies directly to foreign Parts, in Ships built in Great Britain, and navigated according to Law. As our Sugar-Trade had, for ſome time, been in a declining Condition, this Act was as much wanted, as it gave univerſal Satisfaction when paſſed, except to thoſe whoſe private Intereſt led them to be againſt it; and yet, if our political Phyſicians had been attending, it is probable, they would have oppoſed the Bill; for they generally oppoſe every Remedy that is preſcribed by thoſe who muſt be ſuppoſed to be our beſt Phyſicians, becauſe they have the beſt Opportunity of knowing the State and Circumſtances of the Nation. The Act for the more effectual preventing of exceſſive and deceitful Gaming, was likewiſe paſſed during the Seceſſion, and is a Law that muſt be agreeable to every one who has a due Regard to the Morals or Happineſs of the People; yet, if this Bill had been at any other time propoſed, it would, perhaps, have been violently oppoſed; for, in this Caſe, as in every other of the like Nature, it would have been ſaid, that every new penal Law was an Addition to the Power of the Crown, already too extenſive; which, in my Opinion,

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is the ſame as if a Phyſician ſhould object to a Preſcription, Anno 13, Geo. II. 1739.
becauſe of its being proper for giving Strength to his Patient.

'For this Reaſon, Sir, if the ſly Servant-Maid were, upon this Occaſion, aſked ſuch another Queſtion, I am afraid ſhe would anſwer, In a very bad way, Sir, for his Phyſicians are, moſt of them, returned. But to be ſerious, Sir, I am of Opinion, that no Gentleman ought to abſent himſelf from the Service of his Country in this Houſe, when he can, without any great Inconvenience, attend; and therefore, I ſhall be againſt the Motion, becauſe our rejecting it will, I think, be a ſort of tacit Reprimand, with regard to thoſe that, without any good Reaſon, withdrew from their Duty laſt Seſſion of Parliament,'

Lord Viſcount Gage.

SIR,

'An Honourable Gentleman that ſpoke ſome Time ago againſt the Motion, allowed, I think, that the Seceſſion, as he was pleaſed to term it, was the remote, tho' not the immediate Cauſe of that Alteration which ſoon after happened in our Meaſures. Sir, if it was any Cauſe, whether remote or immediate, it has done ſignal Service, and has given great Satisfaction to the Nation. But the Seceſſion could add nothing to the Obſtinacy of the Court of Spain; becauſe that Court was, before, as obſtinate as it was poſſible for them to be. They never had any Inclination, at leaſt not for theſe twenty Years, to do us Juſtice. By the Convention, they neither did us, nor promiſed us any Juſtice: They would not ſo much as promiſe, not to do us any more Injuſtice; for, upon the Face of the Convention it appears, that they would not ſo much as promiſe to abſtain from interrupting our Navigation, and ſeizing our Ships in the American Seas. It is evident, that, of late Years, they never had an Inclination to have any thing to do with us, unleſs it was to plunder our Merchants, and amuſe our Miniſters with fruitleſs Negotiations; and a new Foundation for allowing ourſelves to be treated in this manner, was all our Miniſters got by that famous Convention. This, I am convinced, would have been the Conſequence, if it had not been for the Seceſſion. Our Miniſters would, upon the Foundation of that Convention, have gone on to treat and negotiate with Spain, perhaps for twenty Years more, and the Spaniſh Guarda Coſta's would, in the mean time, have gone on in plundering our Merchants and interrupting our Trade, But ſuch a Number of Members withdrawing, upon that Convention's being approved of, convinced our Miniſters, that the Nation would Lord Gage.

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no longer endure to be treated by the Court of Spain in ſuch a treacherous and ignominious manner. Our Miniſters from thence ſaw, that they muſt begin to fight, either with Spain, or with their own Countrymen; and they wiſely choſe the former, as being the ſafeſt for themſelves, as well as the moſt honourable.

'This, Sir, I am convinced, the whole Nation is convinced, was the real Cauſe of that Alteration in our Meaſures, which happened ſoon after the Seceſſion; and therefore, however much it was condemned by thoſe that remained within Doors, it was condemned by no Man without, unleſs he was ſuch a one as was under a mercenary Dependance upon ſome of thoſe that remained within. By none others, Sir, was it ever condemned; and as the Gentlemen who withdrew upon that Occaſion, are no way ambitious of having their Conduct approved of by ſuch Judges, I am ſure no one of them has ever yet repented of what he did; ſo that if the Honourable Gentleman that ſpoke laſt never forgives but upon Repentance, thoſe Gentlemen muſt all yet, and, I believe, for ever will, remain under his Wrath; but they are not, thank God! liable to his Vengeance.

'The only ſerious Argument I have heard, Sir, againſt the Motion is, leſt it ſhould interrupt or leſſen that Unanimity which now appears, in providing for every thing that may be neceſſary for a vigorous Proſecution of the War, in which, I am fully ſatisfied, the Honourable Gentleman's Fears are altogether groundleſs. I dare anſwer for every one of thoſe who retired from the Houſe laſt Seſſion, and are now abſent, that no one of them will oppoſe any Meaſures neceſſary for proſecuting the War; and an Honourable Friend of his may, I believe, if he pleaſes, anſwer for moſt of the reſt. I am perſuaded, that no Gentleman who is now in the Houſe, or can hereafter be in it, will openly oppoſe providing for a vigorous Proſecution of the War; and therefore I ſhall only wiſh, that it may be as vigorouſly proſecuted, as it will be unanimouſly provided for.

'In this Seſſion of Parliament, therefore, Sir, no Gentlemon could be under any real Apprehenſions of a Conteſt about any thing relating to the War, tho' every Member belonging to the Houſe were now preſent, and continued ſo till the End of the Seſſion; but, as the whole Nation will expect to hear ſome good Accounts of the Proſecution before next Winter, I do not know but that we may then have ſome Conteſts about the War, with regard to its Proſecution; and therefore there may, perhaps, be ſome amongſt us, who are far from wiſhing to ſee a full Houſe, at any time, during next Seſſion. If there be any ſuch amongſt us, it is certainly

certainly their Buſineſs to prevent the Call of the Houſe for this Seſſion, becauſe it will be a Precedent for doing the ſame in the next, and will be, in all future Times, a convenient and agreeable Precedent for thoſe that are afraid of having an impartial Parliamentary Enquiry into their Conduct. But, for this very Reaſon, Sir, I muſt be of Opinion, that no Gentleman who is unfeignedly for a vigorous Proſecution of the War, or the Preſervation of our Conſtitution, can, when he ſeriouſly conſiders the Conſequences, be for making ſuch a dangerous Precedent. Anno 13, Geo. II. 1739.

'Thus, I hope, Sir, I have fully anſwered the only ſerious Argument I have heard made uſe of, againſt my worthy Friend's Motion. As for all the other Arguments made uſe of upon the ſame Side of the Queſtion, they were rather Pieces of Wit, than Pieces of Reaſon; and, as moſt of them were pointed at the Gentlemen who, laſt Seſſion, withdrew from the Houſe, they have nothing to do with any thing that can be propoſed in this. But, I muſt obſerve, that every one of them either miſſed of its Aim, or was very improperly applied. If the King of Spain reſigned his Crown with a real View of ſerving his Country, he was in the right: If he reſumed it again with the ſame View, he was in the right, and his Subjects were in the right to receive him: And as for the Diſturbances he has ſince occaſioned, I believe, moſt of them were originally owing to our Miſconduct; therefore, I am ſurprized to hear of them from that Side of the Houſe. If thoſe who compoſe the Majority of this Houſe, have a Mind to prevent Gentlemens ever having a View of ſerving their Country, by leaving their Seats, the beſt Way is never to purſue ſuch Meaſures as are diſagreeable to a great Majority of the Nation; and while they take Care to avoid ſuch Meaſures, they need fear no Diſturbances that any Gentleman can occaſion, either by leaving or reſuming his Seat in this Houſe.

'As for the Piece of French Wit made uſe of by the Hon. Gentleman that ſpoke laſt, and applied by way of Anſwer to the Obſervation made by the Hon. Gentleman that ſpoke before him, ſurely, Sir, every one muſt ſee that it was miſapplied to the Members of this Houſe, for the Gentleman that made it, did not, I think, make any Application. We muſt all look upon ourſelves as political Phyſicians; and, indeed, we are ſo: We are properly the State Phyſicians of our Country, becauſe we are to enquire into its Grievances or Diſtempers, and apply the proper Remedies. Therefore, if that Obſervation is to be applied to us, we muſt ſuppoſe that ſome of us are willing to attend, if we can but get a Fee, even tho' we know we can be of no Service

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Service to our Country, and that others are unwilling to attend, except when they think they can be of real Service to their Country. I wiſh, Sir, the Application had not been made, for whatever we may think within Doors, thoſe without will judge who are over-greedy of Fees, and who are not. But, I muſt obſerve, that this Piece of French Wit proceeded from the Contempt the French Phyſicians had then brought themſelves into, by their Ignorance, and by their ſhewing a greater Concern for their Fees, than for the Health or Recovery of the Patient. They were, at that Time, become a Proverb among the Vulgar, and a Subject of Ridicule in every Part of that Kingdom, except in their own Aſſemblies; and, if we ſhould, by our Ignorance, bring our Country into Misfortunes, or begin to ſhew a greater Concern for Penſions and Places than for the Welfare of our Country, we ſhall bring ourſelves into the ſame Contempt: We ſhall become a Scoff among the Vulgar, and a Subject of Ridicule in every Part of this Kingdom, except in our own Aſſemblies. If this ſhould ever come to be the Caſe, this French Piece of Wit may then be properly applied, but not to thoſe Members that retire from ſuch a contemptible Aſſembly. It will be applied to the Breaking up and Meeting of Parliament: When our Seſſion is at an End, it will be ſaid, The Kingdom is in a fair way of doing well, for its Phyſicians have taken their leave; and when we meet again, it will be ſaid, The Kingdom is in a dangerous State, for its Phyſicians are, moſt of them, returned. I hope every Gentleman that has a regard for the Honour and Dignity of Parliament, will endeavour to prevent this Misfortune; and as, I think, nothing can contribute more towards our falling into a general Contempt, than our putting a Negative upon this Motion, therefore, I ſhall moſt heartily give it my Affirmative.'

Ordered, That this Houſe be called over upon this Day three Weeks, the 21ſt of February next; and that ſuch Members as ſhall not then attend, be taken into Cuſtody.

Ordered, That a Committee be appointed, to conſider how far the Privilege of this Houſe ought to be allowed to Members who are in foreign Parts during the Sitting of Parliament.

In a grand Committee went thro' the Bill for prohibiting Commerce with Spain, with ſeveral Amendments.

Feb. 1. Mr. Secretary at War preſented a Liſt of the reduced Officers of his Majeſty's Land-Forces and Marines, intitled to receive Half-pay in Great Britain, with an Eſtimate of the Charge thereof for 1740; with their Ages, Dates

Dates of their firſt Commiſſions, and the Time they were put upon Half-pay, and the Occaſion thereof.

Received divers Petitions for private Bills.

Received and read a firſt time, a Bill to prevent Inconveniencies which may ariſe from naturalizing Perſons, who ſhall not continue to reſide within his Majeſty's Dominions, after their Naturalization.

In a grand Committee, went thro' the Bill to indemnify Perſons who omitted to qualify themſelves for Offices and Employments, within the Time limited by Law, &c. with ſeveral Amendments.

Diviſion on the Eſtimate of the Navy.

It was moved that the ordinary Eſtimate of the Navy for 1740, be referred to a Committee on the Supply, which after Debate, paſſed in the Affirmative. On a Diviſion, Ayes 148, Noes 95.

The 4th. Agreed to the Report of the Bill to indemnify Perſons who have omitted to take the Oaths, &c. and ordered it to be ingroſſed.

Agreed to the Report of the Bill for prohibiting Commerce with Spain, and ordered it to be ingroſſed.

Agreed to the Report of the Reſolutions (of Friday laſt) on the Supply, viz. Reſolved,

Sums granted to Weſtminſter-Abbey, Greeewich-Hoſpital, and the African Company.

That 10,000l. be granted towards the Support of Greenwich-Hoſpital.

That 4000l. be granted towards the repairing and finiſhing of Weſtminſter-Abbey.

That 10,000l. be granted towards the Maintenance of the Britiſh Forts in Africa.

The 5th. Agreed to the Report of Yeſterday's Reſolution, in a grand Committee on Ways and Means, viz.

A Million granted out of the Sinking-Fund.

Reſolved, That towards raiſing the Supply granted to his Majeſty, the Sum of one Million, be iſſued and applied out of ſuch Monies, as have ariſen, or ſhall or may ariſe, of the Surpluſſes, Exceſſes, or overplus Monies, commonly called the Sinking Fund. And a Bill was ordered in accordingly.

Read a third time, and paſſed the Bill for prohibiting Commerce with Spain.

A Bill for regiſtering Seamen. And Debate thereon.

Read a firſt time, a Bill (brought in by Sir Charles Wager) for regiſtering all Seamen, Watermen, Fiſhermen, Lightermen, &c. throughout his Majeſty's Dominions: Upon which Occaſion enſued the following Debate.

Sir John Barnard.

SIR,

Sir John Barnard.

'I muſt own, that the Want of Sailors is very great, the preſent Emergency very preſſing, and the Succeſs

Anno 12, Geo II. 1739.

of the War much hazarded by the Difficulty of Manning our Ships: But the Adminiſtration appears to me neither to act prudently in diſcovering ſo publicly the Embarraſments with which nothing but their Miſconduct has perplexed them, nor juſtly in demanding that their Miſtakes ſhould be repaired at the Expence of thoſe who deſerve better from their Country.

'The Averſion, Sir, with which the Sailors avoid the Service of the Crown, is not, I fear, without juſt Reaſons; but tho' the Gentlemen in the Adminiſtration have been long ſenſible of it, yet, inſtead of removing that Averſion by Encouragement or Rewards, they ſeem to regard it as an Obſtinacy that muſt be compelled to Submiſſion, by Laws, Reſtraints, Regiſters, and Penalties. Becauſe the Sailors claim the common Privileges of Engliſhmen, their Governors think it neceſſary to puniſh them for aſſerting their Birthright, by depriving them of the Appearance of Freedom; for after ſuch a Regiſter, as is propoſed, has taken Place, a Sailor and a Slave will be Terms of the ſame Signification.

'Nor was it only in the Power of the Government to have endeavoured the Reconciliation of the Sailors; they might have uſed more expeditious Methods for Manning the Fleet. The Marines that have been raiſed, too lately to be of any Service, might with the ſame Eaſe have been levied ſooner; they might then have been diſperſed in proper Proportions among the Crews of our Men of War, where, by Inſtruction and Example, the Buſineſs of a common Sailor might have been quickly learned, and our Merchants might ſtill have had a ſufficient Number of Sailors to enable them to carry on their Buſineſs.

'Thus far it is evident, that this Bill is not neceſſary, or is become neceſſary only by the Fault of thoſe that propoſe it. But, ſince paſt Errors cannot be recalled, it may be proper to conſider the Bill as it now lies before us, and examine how far the Regulations intended by it are adapted to the Ends for which it was drawn up, by what Arguments it is ſupported, and to what Objections it ſeems to be expoſed.

'It is impoſſible to hear the Bill read without being immediately alarmed at an open Atrack upon the Liberty of many Thouſands, who have doubtleſs the ſame Claim of Independency with other Britons, a Claim which they have not forfeited by any Crimes, and which I believe they value too highly to give up for any Advantage that can be offered them in Recompence. What Reaſon can be aſſigned for placing theſe Men in a State which every other Briton would diſdain? If the Deſign be to propagate Slavery, and to regiſter one Claſs of Men after another, let the Sailors

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at leaſt, be the laſt that ſhall loſe their Freedom. Let the firſt Regiſter be filled with the deſpicable Names of Penſioners, Placemen, Sycophants, and Dependants; but let the brave, the hardy, the honeſt Seaman retain his Liberty, till Luxury and Corruption, with which the Example of thoſe, whom the World calls his Superiors, may in Time infect him, ſhall prepare him for Slavery. Anno 13, Geo II. 1739.

'Let us dwell, Sir, a ſhort time upon the State of a Seaman, regiſtered as it is intended by this Bill. He muſt appear whenever he is ſummoned, at all Hazards, whatever may be the Circumſtances of his Family, or the State of his private Affairs, he muſt, in many Caſes, expoſe himſelf to the Penalties of the Act, or leave his Family at a Time when his Aſſiſtance and Direction are abſolutely neceſſary. He muſt, if he ſhould by any Misfortune or Negligence, be encumbered with Debt, either fall under the Diſtreſſes which the Breach of this Law will bring upon him, or lye at the Mercy of his Creditors, perhaps exaſperated by long Diſappointments, or by long Practice of Severity hardened in Oppreſſion. Nor if he ſhould either by Induſtry acquire, or receive by Inheritance an ample Fortune, is he in leſs Danger from the Bill before us; he may be torn from his Poſſeſſions, and forced into Hardſhips which no Man now undergoes but from the Senſe of Fear or Want; ſo that this Bill equally diſables a Sailor from avoiding Diſtreſs, or enjoying Proſperity.

'Such, Sir, give me leave to repeat it, will be the immediate Conſequences with regard to our Sailors, but the Effect of this Bill will reach much farther. That every Diſcouragement of our Seamen is an Injury to our Merchants, is too plain to require Proof; and indeed what Regard has been paid to our Traders, is apparent from that Clauſe of the Bill that allows Sailors to be taken from our Trading Veſſels in America. If the unhappy Merchants engaged in that Branch of our Commerce, a Commerce far more beneficial than all others to the Britiſh Nation, if theſe Men, from whoſe Labours we derive all our Wealth, and that Power which is the Conſequence of Wealth, have been ſo unfortunate as to offend their miniſterial Superiors, let them be puniſhed with all the Severity due to ſo enormous an Offence; let their Trade be prohibited, and their Ships confined at Home by a perpetual Embargo, but let us not be ſo cruel as to ſuffer them to ſend their Ships to America, and then debar them from the Poſſibility of returning.

'More need not, in my Opinion, be ſaid to ſhew how little this Bill deſerves our Approbation; if it ſhould become a Law, nothing can be expected, but that all who are

Anno 13, Geo II. 1739.

now engaged in the Buſineſs of Navigation, will leave their Employments rather than their Liberty. At leaſt, Sir, thoſe Youth whoſe Years allow them the Choice of their Profeſſion, will never doom themſelves to Slavery; ſo that by Manning our Navy in this Manner, we ſhall put an End to our Power and our Commerce.'

William Pulteney, Eſq;

SIR,

William Pulteney, Eſq;

'The Diſadvantages ariſing to the Nation by our Inability to equip our Fleets with that Expedition that War often requires, are, I find, allowed on both Sides to be very great. I am ſufficiently convinced of them, and by Conſequence am of Opinion, that we cannot do a greater Service to our Country, than by finding out ſome Expedient by which the naval Power of Great Britain may be exerted, with no greater Delays than attend the military Preparations of France or Spain. How far the preſent Difficulties may be aſcribed to the Conduct of the Miniſtry, or whether they might have been prevented by a more early Levy of Marines, I am not able to determine. But whatever be the Cauſe, the Effect may be extremely injurious to our Trade and our Honour; and therefore, Sir, it may not be improper to make Uſe of ſome extraordinary Means to ſupply the preſent Exigence.

'Nothing could be more for the Honour or Advantage of this Nation, than ſome Law which might ſecure a ſufficient Number of Sailors for the Service of the Fleet, without any Infraction of their Liberty, or Violation of their Civil Rights. But no Man can defend ſuch a Scheme, as tends to deprive any Claſs of our Fellow-Subjects of the common Privileges of their Country. Liberty is never to be injured, whatever is ſuffered or whatever endangered.

'But ſurely the Evil is not ſo inveterate as to require ſuch ſevere Methods of Cure, ſurely Rewards may have equal Force to allure, as Puniſhments to affright our Sailors into the Service of the Crown. Let us rather have Recourſe to any other Expedient than Violence and Compulſion, which can only remove our Difficulties for the preſent, but muſt in reality heighten the dreadful Apprehenſions which our Seamen already entertain, and drive them into the Service of other Nations.

'The preſent Bill I can neither entirely approve nor reject. The Queſtions which ariſe from a curſory Conſideration of it, are of too much Importance to be negligently determined, and involve too many Conſequences to be ſoon examined in their full Extent. I am convinced that our Naval

Naval Eſtabliſhment is yet very imperfect, and that ſome ſpeedy Regulation is required: But whether the Scheme now propoſed deſerves the Sanction of this Houſe, a more attentive and deliberate Survey muſt determine. Anno 13, Geo II. 1739.

'I therefore take the Liberty to propoſe that the ſecond Reading of this Bill may be deferred for a few Days, and that in the mean time it may be printed, that every Member may have Leiſure and Opportunity to beſtow that Conſideration upon it which it requires and deſerves.

Sir John Norris.

SIR,

'The Deſign of the Bill now propoſed, it is by no means neceſſary to explain; nor can any better Proof than our own Experience be demanded, how much the preſent Circumſtances of the Nation require this or ſome other Bill, by which that Deſign may be promoted. The Importance of the preſent War cannot be denied. We have often been told that our Trade and Navigation are at Hazard, that we are aſſerting the common Rights of Nature, that we muſt now conquer or be undone, and that the Conteſt is not for Honour but for Life. Yet we ſuffer our Ardour to languiſh, and our Menaces to be loſt in the Air without Execution. We have indeed put our Fleets into Commiſſion, nominated Commanders, and collected naval and military Stores; but theſe Fleets are yet in the Harbours, and theſe Stores decaying without Uſe. For with whatever Importunity the Nation might call out for War, whatever Vengeance they might threaten, and however they might deteſt or deſpiſe the Spaniards, there was, perhaps, never ſuch an apparent and general Diſlike to the Sea-Service diſcovered before. Every Hardſhip, every Difficulty is preferred before it, and every Expedient practiſed to avoid it. Violence and Kindneſs are equally ineffectual, nor Impreſſes can force, nor Rewards allure them to the Fleet. Sir J. Norris.

'What is the Cauſe of this Prejudice, and the Evils produced by it, perhaps it is now too late to enquire. The preſent Exigence, Sir, demands not long retroſpective Diſquiſitions, but ſpeedy Determinations and an immediate Remedy; which, whether we can expect from the Bill propoſed, muſt be conſidered by the Houſe. One Objection that will be made to it, an Objection very ſpecious and popular, may be eaſily foreſeen, and, I think, removed with no leſs Facility; we ſhall be told that it propoſes the Introduction of a French Practice, a Practice unknown to the Conſtitution of Great Britain, and that the Meaſures of arbitrary

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arbitrary Governments are not to be imitated here. Thus Gentlemen may declaim when Reaſon is againſt them, and oppoſe Meaſures not for their Conſequences but for their Original. They may condemn a Scheme becauſe it is French, and may, perhaps, be applauded for their Zeal, by noiſy Faction, or unthinking Honeſty; but the cool, the prudent, and the loyal, will eaſily diſcern that ſomething more is neceſſary for the Support of Oppoſition and the Confutation of Argument. By the Proſperity of the French (that Proſperity with which the preſent Adminiſtration has been ſo often reproached) it is evident that many of their Meaſures deſerve our Imitation, and, if our Conſtitution be defective, is it not one of the great Ends of this Aſſembly to improve it? By whom was it advanced from its original Imperfection to its preſent Degree of Excellence, but by the ſame Powers which are now called upon to add one Barrier more to its Security?

'I own, Sir, that to the Method propoſed many Difficulties may be objected; the Eloquence of Gentlemen may be diſplay'd, and their Sagacity exerted in tracing all its Conſequences, and expoſing its imagined Tendency. But is any Conſequence to be apprehended from it equally dangerous with the Want of Seamen in Time of War? Can we ſuffer by the Execution of this Scheme in any Degree proportionate to the Diſappointment of our Expeditions, and Loſs of every Opportunity which the Weakneſs or Negligence of our Enemies may afford us?

'As every Form of Government ſo every Method of Adminiſtration has its Inconvenience, which will always be to thoſe, who did not propoſe it, or who propoſed any other, the Subject of Cenſure.

'To try many Expedients upon Emergencies like this is not practicable; it ſeems, therefore, prudent, Sir, to put that Method in Practice which the Experience of our Neighbours proves to have been ſucceſsful. That it has been of great Uſe to their Government is apparent from the Expedition with which their Fleets are fitted out, and that Individuals have not ſuffered by it may be preſumed from the Increaſe of the Numbers of their Sailors, ſince that Eſtabliſhment. Let us not therefore reject any Meaſures, becauſe our Enemies have practiſed them, but let us rather employ their own Policies againſt them, and ſubdue them by the Means that have enabled them to reſiſt us.'

Sir

Sir William Wyndham.

SIR,

Sir William Wyndham.

'The Weakneſs of condemning Meaſures becauſe they are practiſed by our Neighbours or our Enemies, has by the Honourable Gentleman been ſufficiently expoſed; but he either negligently or willingly forgets, that to recommend them from their Example only is equally trifling. That a Scheme is French can certainly be no ſufficient Reaſon for treating it with Contempt or Deteſtation, but that it has been executed with Succeſs in France cannot of itſelf prove, that it will be of equal Advantage to this Nation. To receive an Alarm at the Propoſal of eſtabliſhing any Part of the Policy of abſolute Governments among us, is not the Diſcontent of Faction, but the Caution of Experience, not the Rage of Oppoſition, but the Zeal of Integrity. For my Part, Sir, if I know that any Practice is countenanced in France it will ſeem at leaſt to prove, that it has no Tendency to the Advancement of Liberty, and Liberty has, in all uncorrupt Parliaments, been their firſt and greateſt Care.

'On this Occaſion, Sir, I beg leave to obſerve that the Proſperity of Freemen and of Slaves is very different, and therefore is to be promoted by different Means. The Wretches doomed to live under the Yoke of an arbitrary Government, whoſe Properties, whoſe Quiet, and whoſe Lives depend upon the Caprice of a deſpotic Lord, have but one kind of Happineſs to hope for, the Happineſs of ſeeing themſelves more rich, powerful, and formidable than the Slaves of another Monarch, the Happineſs of ſeeing their Prince courted by his Neighbours, and themſelves honoured in foreign Countries, by thoſe who feel the ſame Miſeries without the ſame Alleviations. This Happineſs, Sir, poor and chimerical as it is, we know to be all that the greateſt Part of Mankind appears to enjoy; and this Happineſs may be promoted by Meaſures like this now propoſed to our Imitation. An univerſal Regiſter of Sailors may enable a Monarch to man his Fleets with Expedition, Expedition may procure Succeſs, and Succeſs advance the Power of his People, and by advancing their Power, increaſe the only Happineſs which they dare to hope for. The Adminiſtration in thoſe Countries, lies under no Temptation to make any other uſe of Power than to aggrandize their Prince, and protect the People from foregn Enemies. They have no Elections to influence, nor any Oppoſition to contend with; they have no new Demands of Authority to make, nor any Danger to fear from an oppreſſed Nation.

'But the Greatneſs of Britons, the true Greatneſs of rational

Anno 13, Geo II. 1739.

rational Beings, conſiſts not in Extent of Dominion, not in the empty Sound of Victory and Triumph, not in precarious Wealth, nor in the Power of oppreſſing others. It conſiſts in Freedom and Independence, in Privileges not to be forfeited but by their own Conſent. Commerce, Wealth and Power, are ſecondary Means of Happineſs, which would, if Liberty be loſt, be of no Value. Liberty is therefore to be firſt ſecured, nor are any other Advantages to be purſued but by the Methods conſiſtent with the Rights of a free Nation.

'All Happineſs, Sir, is attended with ſome Inconvenience; and Liberty is not to be preſerved without Caution, Anxiety, and Attention. The complicated Intereſts of the Britons make their Councils more perplexed, and the Adminiſtration of their Government more difficult. When the French are engaged in a War with Britain, they have no Enemies but the Britons to contend with; all Meaſures, that can contribute to Succeſs, are ſalutary and expedient, becauſe they promote the only Happineſs which that Form of Government admits of. But the Britons have many Dangers to obviate, and many Enemies to engage; they may, by truſting their Governors with unlimited Authority, perhaps become more ſucceſsful in War; but what would the Succeſs avail them, if that Authority be made uſe of to enſlave them?

'The Scheme recommended with ſo much Warmth, I grant, Sir, is beneficial to France, becauſe it promotes the Power of the Government, and by Conſequence the Happineſs of that ſervile Nation, which is happy as the Government is powerful. The Scheme is of uſe in France, becauſe the Government and the People have in reality different Intereſts; but it would be deſtructive here, becauſe our People and our Government ought to have the ſame Intereſt, or if they are ever divided in their Views, the Intereſt of the People ought to prevail.

'Having thus ſhewn, how little the Example of France ought to be regarded; how little the Meaſures of a Government abſolute and unaccountable deſerve the Imitation of a People, who boaſt of being ſubject to Laws made by themſelves; I ſhall not engage in ſo ſuperfluous a Taſk as that of ſhewing how much the Regulation propoſed in this Bill, is inconſiſtent with our Conſtitution: ſurely Nothing is more incompatible with Freedom and Independence than Reſtraint and Compulſion.

'As to the preſent Situation of our Sailors it is ſufficiently deplorable. That honeſt, laborious, and brave Claſs of Men to which we owe all our Power, our Riches and Reputation,

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are already expoſed to Hardſhips from which every other Subject of Great-Britain is exempt. Theſe Hardſhips, Sir, the daily Outrages of an Impreſs make ſufficiently apparent. Outrages in themſelves hateful, and in their Conſequence deſtructive. Outrages, by which Multitudes of the braveſt Subjects in Great-Britain have been driven to ſeek for a kinder Treatment from abſolute Princes. Nor is it to be wondered at, that they have rather choſen to live where they are only Slaves in common with the reſt of the People, than where they have the Mortification of ſeeing that Freedom which they, and they only, are not ſuffered to enjoy. Anno 13, Geo. II. 1739.

'It is not without the warmeſt Indignation that an honeſt Mind can conceive a brave, an induſtrious, a free-born Engliſhman torn from his Employment, deprived of his Bread, and condemn'd without a Crime to ſerve under Maſters whoſe Tyranny he abhors, or perhaps thoſe whoſe Ignorance he deſpiſes. It is ſurely not without Compaſſion, that any Man can ſee him at his Return from a long and hazardous Voyage, forced into new Labours without the Intermiſſion of a ſingle Day, and without the Sight of his Family, for whom he had been labouring. Yet ſuch is frequently the Fate of Britiſh Sailors, and even this might be, perhaps, forgiven by themſelves, if it was the laſt Reſource of a diſtreſſed People, the Effect of inevitable and invincible Neceſſity. But when it is added to the Account of theſe Hardſhips, that they are often the Amuſements of Power and Arts of an Adminiſtration to delude their Country, ſurely nothing can be more juſtly hateful and execrable.

'What is intended by the Bill now propoſed, but to inflict thoſe Hardſhips by Law which are practiſed, at leaſt, under the Pretence of extraordinary Emergencies? What can be the immediate Conſequence of it, but the Slavery of thoſe who moſt contribute to Freedom? And what can we expect farther from it but that one Encroachment on Liberty will make way for another?

'That our Fleets are uſeleſs without Men, and that from our Fleets only we can expect Succeſs in the preſent War, does not require to be proved; nor will it be deny'd that the preſent War is of high Importance. But Succeſs againſt the moſt formidable Enemy, may be purchaſed too dear. There are, whatever may be the Hon. Gentleman's Opinion, many Evils which Victory itſelf cannot countervail. The Loſs of Fleets, of Armies, of Dominions, are leſs dreadful, than the Loſs of Liberty.

Anno 13, Geo. II. 1739.

'But that this War may be ſucceſsfully proſecuted, that the Nation may not ſuffer by unſucceſsful Hoſtilities after a ſhameful Peace, that the Flag of Great-Britain may recover its Honour, and her Arms be more ſucceſsful than her Politics, it ſeems neceſſary to form ſome Scheme for reconciling our Seamen to the public Service; but ſurely they deſerve ſo much Regard from us, that all gentle Methods ſhould be tried, with which I for my Part ſhall readily concur, but I ſhall oppoſe every thing as a Member of this Houſe to which I ſhould not agree, if I were myſelf a Sailor.

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'It always portends well to the Succeſs of a Deliberation when the contending Parties agree upon the Reality of the Grievance, and the Neceſſity of redreſſing it; becauſe both Parties, if they be ſincere, muſt in Conſequence of their Principles endeavour to find out ſome Means of ſupplying the Defects which they acknowledge. The Difficulty of Manning our Ships of War, the Delays which that Difficulty produces, and the Diſappointments that are the Conſequences of thoſe Delays, are neither denied nor extenuated. The Neceſſity therefore of conſulting about the proper Means of raiſing Seamen with more Expedition, is already admitted.

'The Hardſhips of an Impreſs have been long dwelt upon, and diſplay'd with all the Power of Eloquence. Nor can it be affirmed that this Method of raiſing Seamen is either eligible or legal. I am not about to anſwer the Objections againſt it, but I ſhall ſtrengthen them by one more forcible, in my Opinion, than all the reſt: This Method has been found ineffectual and inſufficient for the Attainment of its End.

'With the Experience of former Reigns, or Wars remembered only in Books, I ſhall not weary your Attention; it is too apparent, from our own Obſervation, that the moſt diligent Impreſs may be eluded, and our Ships of War lie inactive in Port, for Want of Men, while Multitudes, well acquainted with the Service of the Sea, lie diſperſed all over the Country, ready to appear and reſume their Occupation as ſoon as the Impreſs is intermitted, and the Demands of the Government ſupplied.

'Not many Months ago, the common Methods had been uſed, till not another Sailor was to be found: Their known Places of Refuge were all ſearched, the River was clear'd, and no Stratagem left unpractiſed by which there was the leaſt

leaſt Hope of gaining a ſingle Man. Then the Impreſs was ſuſpended and Protections were granted. This Alteration of Meaſures ſoon made it apparent, that there was no Want of Sailors in the Nation. They burſt out by Thouſands from their Retreats, and entered into the Service of the Traders with more than uſual Eagerneſs. No leſs than ſixteen Thouſand received Protections from the Admiralty for the Service of Colliers and Coaſters only. Such is their Obſtinacy to decline the public Service, and ſo much are the People generally prejudiced in their Favour, that they will always abſcond and will always be conceal'd. Anno, 13 Geo. II. 1739.

'But that this Practice is to the laſt Degree dangerous to the Community muſt be univerſally confeſſed, and that the naval Armaments of Great Britain become far leſs uſeful to herſelf and leſs formidable to her Enemies, by the Delays, with which they are always obſtructed, Delays, which the Enemy who has no ſuch Difficulty to encounter, can always improve to his Advantage, and which give a Superiority to thoſe Powers, which muſt otherwiſe become an eaſy Conqueſt. While we are publiſhing Proclamations, iſſuing Warrants for Impreſſes, and gleaning up our Sailors by ſingle Men, our Secrets are betray'd, our Deſigns and our Enterprizes defeated.

'To what is it to be attributed that the naval Power of France has been ſo ſuddenly increaſed? We have more Ships of War, more Officers of Experience, and a far greater Extent of Commerce. What then can thus make them formidable at Sea, but the Facility with which they can equip their Fleets? It is to ſmall Purpoſe to build new Veſſels, to caſt new Guns, and endeavour to aſtoniſh Europe with an Enumeration of our Fleets. Such Boaſts will in a ſhort Time loſe their Effect, and be diſcovered to be nothing more than empty Sounds, the Farce of War, aud the Menaces of Impotence. To aſſert the Empire of the Sea, a Part of our Dominions of the greateſt Value, we muſt not only have Ships but Sailors; Sailors ready to obey our Call, and ruſh out on ſudden Expeditions.

'How much ſuch a Regulation would add to the natural Advantages of our Situation and our Coaſts, how much our Influence would be increaſed, and our Power extended by it, no Gentleman in this Houſe can be ignorant, nor, indeed, have any of the Opponents of this Bill denied the Importance of the End propoſed by it. Thoſe that have argued againſt it with the greateſt Warmth have conſidered it as an Invaſion of Liberty, an Attempt to ſubject the Sailors to Reſtraints and Penalties, to which all other Britons

Anno 13, Geo II. 1739.

are Strangers, a Conſideration that has produced many pathetic Exclamations, and affecting Deſcriptions, many ſevere Inſinuations, and zealous Outcries, which may, perhaps, have ſome immediate Effect upon the Hearer, but ſoon evaporate and give way to Reaſon and to Juſtice, and, I think, it has not yet appeared that Reaſon or Juſtice are againſt the Bill.

'The melancholy Repreſentation that has been made of the unhappy State of a regiſtered Seaman, owes every Circumſtance of Terror to the Suppoſition that the Powers propoſed by this Bill to be granted to the Admiralty, will be ill-employed; a Suppoſition, which the Conduct of the Gentlemen entruſted with that Part of the Adminiſtration, has made, if not wholly improbable, at leaſt unneceſſary, nor has it been proved that this new Authority is ſuch as would bring with it any Temptation to abuſe it.

'Why any Man ſhould be exempt from Obligations to ſerve his Country it will not be eaſy to ſhew; and what elſe is required of Sailors by this Bill, than that they be ready to ſerve their Country when lawfully required? If they are laid under any particular Penalties upon Refuſal, it is only becauſe their Service is more frequently neceſſary, and upon more important Occaſions, and their Hardſhips, if the Reſtraints propoſed in this Bill deſerve that Name, is a tacit Acknowledgment of their Uſefulneſs, and an honorary Diſtinction of thoſe Men who contribute moſt to the Safety and Proſperity of Britain.

'There is no Calumny that I leſs deſerve, and very few that I would more carefully avoid, or more zealouſly confute, than that of being an Enemy to the Sailors, that brave Claſs of Men to whom we are indebted for the Honours of War and the Ornaments of Peace, who equally enrich and defend their Country, and merit equally our Regard as Soldiers, and as Traders. Far, therefore, is it from my Inclination to expoſe them to any other Difficulties than thoſe that naturally ariſe from their adventurous Profeſſion; far be it from me to brand thoſe Men with Marks of Infamy, whoſe Induſtry procures us with moſt of the Pleaſures of Life, and whoſe Valour ſecures the Enjoyment of them, from being embittered with Apprehenſions of foreign Power.

'The Inconveniences that may enſue from this Act, will be balanced by ſome Advantages: The Powers now propoſed, may be exerciſed in ſuch a manner, as, to make the Yoke, ſo much dreaded, hardly felt; when the Regulations are once eſtabliſhed, and the Prejudices of Novelty are worn away, the Sailors will find the Alteration of their Condition ſcarcely perceptible, except on particular Occaſions, ſuch

Occaſions

Occaſions as are, even in their preſent State, already ſupplied by extraordinary and violent Methods. Anno 13, Geo. II 1739.

'Let it be however admitted, that, after this Bill ſhall be paſſed, the Condition of a Seaman will be ſomewhat leſs eligible than at preſent, that he will be leſs Maſter of his own Actions, and more ſubjected to the Powers of the Government than other Engliſhmen: I do not, even upon this Conceſſion, diſcover either the Injuſtice or Unreaſonableneſs of this Bill; I cannot think it unreaſonable that ſome Meaſures ſhould be taken for the Security of the Nation, for the Efficacy of our Arms, and for the Honour of the Crown; and I think the Juſtice of that Maxim which declares the Preſervation of the Public to be the ſtrongeſt Law, has never been yet controverted.

'That ſome Expedient of this kind is now neceſſary for the Benefit of the Public, and may ſoon become neceſſary for its Preſervation, is evident and unconteſted, but from what Cauſe this Neceſſity ariſes, has been made a Queſtion; it has been imputed by an Honourable Gentleman to the Negligence of the Adminiſtration, and the long Delay of levying Marines, which he imagined might have ſupplied the Place of Sailors. But he forgets that there is no Efficacy in the Name of Marines that qualifies Men, raw and unexperienced, tho' raiſed under that Denomination, to act with Readineſs and Dexterity in a Sea-Engagement; Marines, unacquainted with the Sea, will act but like mere Landmen, and the Nation that truſts her Honour and Security to ſuch Warriours, is expoſed to Hazards, from which, I hope, Great Britain will always be ſecure. The Marines, whatever Period he may aſſign as the proper Time for raiſing them, muſt have been yet Strangers to more than half their Diſcipline, however carefully inſtructed, or however diſtributed among abler Seamen; and their Ignorance would have given our Enemies a Superiority, which their own Bravery, however exalted by themſelves, or their Politics, however magnified by ſome of our own Countrymen, could never procure them.

'It ſeems more rational to allot the young and unſkilful Seamen to our trading Veſſels, which have fewer Dangers to fear, and fewer Enemies to contend with. A Man, who has practiſed the Buſineſs of Navigation but a ſhort time, may manage the Sails, and go before the Wind, when he has nothing to perplex his Thoughts and diſturb his Labour, or has nothing, however, to oppoſe, but the Winds and the Waves; but much greater Addreſs, much longer Practice is required to govern a Ship in a Day of Battle, where the Stratagems of an Enemy are to be defeated, momentary

Dangers

Anno 13, Geo II. 1739.

Dangers to be avoided, and ſudden Opportunities to be ſnatched, when the leaſt Negligence or Omiſſion, cannot be repaired, and Skill as well as Courage muſt decide the Day.

'If we ſuppoſe, in oppoſition to Reaſon and Experience, that the ſame Ability is neceſſary in the Service of the Merchants as in that of the Crown: Let it be conſidered whether the Nation will ſuffer more by the Miſcarriage of Trading Veſſels, or of the Royal Fleet; whether it is not better that Traffic ſhould be for a Time obſtructed, than that our Fleets, by which that Traffic is preſerved, ſhould be ruined or endangered?

'It is therefore evident that Sailors, and none but Sailors, are required to ſerve on board our Ships of War; and to procure a certain, conſtant, and ready Supply of Sailors, is the ſole Intention of this Bill; an Intention of too much Conſequence to admit of being impeded by an ill-timed Regard for the Eaſe of particular Perſons, or a popular Affectation of Tenderneſs for Liberty.

'If Example were of any Weight, I could urge the Example of a Nation jealous of Liberty, and prudent in the Tranſaction of Affairs, a Nation whoſe Succeſs is a ſufficient Juſtification of their Maxims. The Dutch, when they are engaged in War, or upon Occaſion fit out a Fleet, are always careful that their Ships of War are well provided with Sailors, before their Merchants are at Liberty to admit any into their Service. That the Importance of Trade is well underſtood by the Dutch was never doubted, but it appears by this Practice, that they hold it more advantageous to proſper in War than in Commerce; their Embargoes are therefore laid without Relaxation, and without Diſtinction, nor is a ſingle Veſſel diſmiſſed from their Harbours till their Armament is complete.

'This appears to me a ſufficient Proof, that Trade cannot ſuffer by a vigorous Proſecution of the War, at leaſt, as it muſt ſuffer in Proportion to the Duration of the War, thoſe Methods by which Victory and Peace will moſt ſpeedily be attained will probably injure it leaſt.

'But if the Example of our Neighbours is not ſufficient to influence our Conduct, let us review the Procedure of our Countrymen in a Time which every Engliſhman is proud at the Remembrance of. In our late War with France, that War which an Honourable Gentleman propoſed lately as the Model of our preſent Undertakings, among other Expedients for promoting the Succeſs of the Britiſh Arms, an Act was paſſed relating to our Sailors, by which our Trading Veſſels were allowed no more than one able Seaman and one Boy to 100 Tons, beſides the Maſter, Mate, and Carpenter,

Carpenter, nor did even this Allowance, ſparing as it may ſeem, extend to Veſſels of more than 300 Tuns. Anno 13, Geo. II. 1739.

'Such are the Reaſons, ſuch is the Juſtice of this Bill, and ſuch is the Conduct of our wiſeſt Neighbours, and ſuch has been our own in our moſt happy Times, when our Policy and our Arms were equally the Terror of the World; whether this Example ſhall be now followed muſt be left to the Determination of the Houſe, only let me entreat thoſe Gentlemen that ſhall declare their Diſapprobation of the Bill now before us, not to give way to foreign Reflections, injurious Inſinuations, or undeterminate Cenſures, and general Exclamations; the Importance of the Queſtion demands a different Behaviour. It is now enquired, whether our Arms ſhall aſſert our Claim to an open and uninterrupted Navigation; whether our Trade ſhall be protected, our Flag honoured, and our Injuries redreſſed; whether our Menaces ſhall raiſe Terror or Contempt, and our Declaration of War, diſcover our Power to Europe or our Folly. It is now enquired, whether our Fleet ſhall aſſert the Dominion of the Sea, or remain in our Ports for Want of Sailors?

'Surely the moſt unprejudiced and ſerious Deliberation is neceſſary on this Occaſion, and, that every Gentleman in this Houſe may have an Opportunity of conſidering it at leiſure, with the Attention which it muſt be confeſſed to deſerve; and form ſuch Schemes as may ſecure the Trade and Honour of the Nation, without any Invaſion of the Liberty of particular Perſons; I willingly add my Voice to the Honourable Member's Propoſal, that the Bill be printed, and the ſecond Reading delayed to a proper Time.'

Samuel Sandys, Eſq;

SIR,

'All that can be urged in favour of ſuch an Eſtabliſhment, as is propoſed by this Bill, has been produced by the Right Honourable Gentleman; all the Force of Eloquence, and all the Dexterity of Argumentation have been employ'd on this Occaſion, and might perhaps have produc'd greater Effects, had they not been deprav'd by ſome of the Artifices of Sophiſtry, and Frauds of Miſrepreſentation; for nothing is more certain than that the Number of Seamen to whom Protections are reported to have been granted was magnified beyond the Truth. Sixteen thouſand Protections might perhaps be granted, but not all of them to Sailors, the arbitrary Practices of the Officers, entruſted with deſpotic Authority by Warrants of Impreſs, has made it neceſſary for others to procure Protections, for the Security of what no Man has a right of violating, their Perſons Samuel Sandys Eſq;

Anno 13, Geo. II. 1739.

Perſons and their Liberty: Not only our Sailors have been dragg'd out of our Trading Veſſels, but Paſſengers, Strangers to the Art of Navigation, have been hurried away without any Reſpect to their Remonſtrances however reaſonable, or Evidence however clear. Paſſengers, therefore, have thought Protections neceſſary, and to Paſſengers a third part of thoſe Protections were probably given. So that the moſt plauſible part of the Argument is much weaken'd, and indeed, the whole will ſoon fall before a ſtrict Examination.

'With regard to ths Sailors, it is only urged in the Extenuation of the Hardſhips impoſed upon them; that the Power of the Admiralty may be exerted in ſuch a Manner as to be leſs grievous than is feared: But what makes the Difference between a Slave and a Freeman, except that the Happineſs of one is in his own Power, and that of the other in the Hand of his Maſter? I hope every Briton will think himſelf miſerable whenever he may be made miſerable at the Choice of another.

'With regard to the Neceſſities of the Public, if our Affairs require that part of the People ſhould be made Slaves, I do not ſee how thoſe that have been entruſted with the Adminiſtration can be cleared from the Charge of introducing Slavery; and if one Claſs of Men muſt be ſacrific'd, every Man will endeavour to exempt himſelf and his Poſterity from that unhappy Number.

'This Bill will be particularly dreadful to thoſe Men that ply upon the Inland Rivers, Men very uſeful to the Community, and beneficial to Trade, but who never ſaw the Sea, and have the ſame Apprehenſions of it with other Landmen; theſe will ſoon be driven from their Calling by the Dread of ſuch coercive Laws, and put an End to all the Advantages which navigable Waters produce to the Nation.'

The Bill was then ordered to be printed, agreeable to Mr. Pulteney's Motion.

Ordered, that a new Writ be iſſued out for electing a Knight of the Shire for the County of Lincoln, in the room of Sir Thomas Saunderſon, now Earl of Scarborough.

A Motion relating to Men of War built in private Yards over-ruled.

A Motion was made, and the Queſtion being put, that an Account be laid before the Houſe, of what Ships have been contracted for to be built in Merchants Yards, or bought by the Commiſſioners of the Navy for His Majeſty's Service, from Chriſtmas 1738 to Chriſtmas 1739, and by what Authority; diſtinguiſhing the Prices of each Ship, and what has been, or is propoſed to be laid out upon any

of

of them, to fit them for the Service for which they are intended; it paſſed in the Negative.

The 7th. Agreed to the Report of Yeſterday's Reſolutions on the Supply, viz.

Reſolved, That 22,880 *l.* 19 *s.* 2 *d.* be granted for defraying the Charge of General and Staff-Officers for 1740. Mony granted to Half-pay Officers and the Colony of Georgia,

That 34,587 *l.* be granted for reduced Officers of His Majeſty's Land Forces and Marines for 1740.

That 4000 *l.* be granted for the further ſettling and improving the Colony of Georgia in America.

The 5th. Ordered out a new Writ for electing a Knight of the Shire for the County of Oxford, in room of Henry Perrott, Eſquire, deceas'd.

Alſo a new Writ for the Borough of Borealſton in the County of Devon, in room of Sir Francis Henry Drake, Bart. deceas'd.

Read a third time, and paſſed the Bill for indemnifying Perſons, who have omitted to qualify themſelves for Offices and Employments, within the Time limited by Law, and for allowing a further Time for that Purpoſe.

It was moved that an Act made in the 16th and 17th Year of the Reign of King Charles II. intitled, An Act for regulating the Meaſures and Prices of Coals; and alſo the ſecond Section of an Act made in the 7th and 8th Year of the Reign of K. William III. whereby the ſaid Act was made perpetual, might be read; and the ſame being read accordingly,

Reſolved, Nemine contradicente, That ſuch Gentlemen of this Houſe, who are of His Majeſty's moſt honourable Privy Council, do humbly addreſs His Majeſty, that He will be graciouſly pleaſed to cauſe Directions to be given to the Lord Mayor, and Aldermen of the City of London, and the Juſtices of the Peace of the two Cities of London and Weſtminſter, and within the Liberties thereof, that they do forthwith, and effectually put the Law in Execution for regulating the Meaſures and Prices of Coals*. Vote relating to the Meaſures and Prices of Coals.

Ordered, That the Juſtices do ſee that the Scavengers keep the Paſſages through the Streets free and open from all Nuſances whatſoever, *&c.*

Ordered, That the Juſtices for the City and Liberty of Weſt-

* *Note, This was in the Time of the hard Froſt, which laſted from December 24th, 1739. to February 20th, 1739-40. when the Hucksters had riſen Coals to 2 s. per Buſhel. The Thames was frozen over for ſeveral Weeks, and Water was ſold about the Streets, as Milk uſed to be, at 1 d. per Firkin.*

Anno 12, Geo II. 1739.

Weſtminſter, do give Order to the proper Officers to clear the Streets of all idle and diſorderly Perſons, who daily infeſt the ſame under Pretence of asking Charity, &c.

Read a ſecond time, a Bill to prevent Inconveniencies which may ariſe from naturalizing Perſons, who ſhall not continue to reſide within His Majeſty's Dominions.

Ordered divers Perſons in Cuſtody of the Serjeant at Arms for counterfeiting Members Names, by franking of Letters.

The 11th. Mr Comptroller reported His Majeſty's Anſwer to their Addreſs of Friday, that he would give Directions accordingly.

Agreed to the Report of the Bill to explain and amend an Act 1ſt Queen Anne, for the effectual preventing the Abuſes and Frauds employed in the working up the Woollen, Cotton, Iron, &c. Manufactures in this Kingdom, with the Amendments; and it was ordered to be engroſſed.

Read a firſt time a Bill to reſtrain and prevent the exceſſive Increaſe of Horce Races.

A Meſſage from his Majeſty, relating to certain extraordinay Expences.

The Houſe being in a Committe, and Mr. Fane in the Chair, Sir Robert Walpole acquainted the Committee, that he had a Meſſage to communicate, ſigned by his Majeſty, which having read in his Place, the Chairman received it, who read it in the following Terms.

George Rex.

" His Majeſty, in further Proſecution of the juſt and " neceſſary War in which he is engaged, having under his " Conſideration certain Meaſures which will occaſion ſome " extraordinary Expences not comprehended in the Eſti- " mate laid before this Houſe, hopes, from the known Zeal " of his faithful Commons, that he ſhall be enabled to carry " on the ſame in the moſt effectual manner."

Speeches thereon never in Print before.

The Meſſage being thus read, a Member roſe and ſpoke as follows.

SIR,

' I ſhall be the laſt Perſon in this Houſe to oppoſe the juſt Demands of the Crown now, at a Time when his Majeſty has, contrary to the declared Sentiments of thoſe who are ſuppoſed moſt to influence his Councils, ſo far hearkened to the Voice of his injured Subjects as to enter into a War with the Power which ſo long inſulted and provoked this Nation. When I ſay this, Sir, I hope I need ſay no more to convince Gentlemen that my riſing up, at preſent, proceeds from no Deſign I have to embarraſs the Meaſures that his Majeſty may have under his Conſideration: As I am entirely

entirely unacquainted with the Nature of them, it is my Duty to preſume that they are for the Honour and Safety of Great Britain. Far leſs, Sir, do I intend to throw in any Objection to our agreeing to the Import of this Meſſage. Nay, if any Gentleman, Sir, ſhould be of Opinion that it is either unjuſt or unſeaſonable, I would beg leave to oppoſe him. Anno 13 Geo. II. 1739.

'I therefore riſe up, Sir, to ſhew my Readineſs to comply with this Demand. I know how many unforeſeen Accidents and Exigencies may happen in the Courſe of a War like this; I know how neceſſary it is to the Succeſs of it that his Majeſty ſhould be ſupported both with the Countenance and Purſes of his Subjects; and I know, Sir, how readily our not complying with the Demands of the Crown at this Juncture, would be pleaded as an Excuſe for an inglorious and unſucceſsful Management. Beſides, Sir, I have another Reaſon for our agreeing to this Demand, and that is, becauſe I am willing to encourage Meaſures of this nature, as it prevents the deſtructive Method which both Houſes have lately too much fallen into of Votes of Credit. Theſe, Sir, tend to make the Miniſtry Maſters of the Purſes of this Nation; and every Vote of Credit, which we give to the Crown, is a temporary Suſpenſion of our own Power. When his Majeſty, Sir, ſends a Meſſage in this manner, he aſks for ſo much Money upon Account, and the Miniſter is to be charged with whatever is granted, which is limited to a preciſe Sum. Therefore, Sir, when we comply with a Demand of this kind from the Crown, we know what we are doing; the Meaſures for which the Sum is granted muſt be laid before the Houſe; the Houſe is Judge how far theſe Meaſures require ſuch a Sum, and the Miniſtry is anſwerable for the Application.

'However, Sir, I am far from thinking, but that a Miniſter who has ſtudied a little Theology, may find means to make up his Accounts in ſuch a manner as to bubble the Public in a great Part of the Sum that is granted, and that is to be accounted for from the Diſburſements that have been made at the public Offices. Gentlemen may remember the unjuſt Steward in the Goſpel, who had *waſted his Maſter's Goods*, and when he was brought to Account, he goes to one of his Maſter's Debtors; How much, ſays he, do you owe my Lord? A hundred Meaſures. Then write down fifty. Now, Sir, I don't ſee what is to hinder, but that a Miniſter who is his Prince's and the Nation's Steward, may do the ſame thing. His Account for a Sum that is granted for a particular Service is to be given into this Houſe; he knows how much they are deficient, and

Anno 13, Geo II. 1739.

how ill the Money has been applied. Therefore he goes to the Navy-Office, What have your Diſburſements been? Twenty Thouſand Pounds. Then take your Bill and write thirty. He goes to the Victualling-Office, What is the Amount of your Bill? Forty Thouſand Pounds. Then write ſixty. In ſhort, Sir, there is nothing more eaſy than for a Miniſter, who has as much Senſe and Cunning as this unjuſt Steward had, to make up his Accounts ſo as to put a ſixth, a fifth, nay, a fourth Part of the Sum granted upon Account into his own Pocket. We all know, Sir, very well, five or ſix Years ago, when ſome Navy-Accounts were examined in this Houſe, what Frauds appeared; how intricate every Article was; what prodigious Trouble and Time it coſt the Houſe before we could underſtand them, and how ineffectual all the Pains and Trouble we had been at was when it came to a Vote. But, Sir, I don't intend that this ſhould diſcourage Gentlemen from agreeing to this Demand, I only mention it, that they may be upon their Guard as to the Application of what we may grant, and that they may not be ſurprized into an Approbation of Accounts, eſpecially as we are now at ſo immenſe an Expence, before they are fully canvaſſed. For my own Part, Sir, as I am by no means againſt our complying with his Majeſty's Demand, I expect to be heard, if I deſire, as a Member of this Houſe, to be ſatisfied as to the Application of the Money that is granted.

'But tho' I have no Exception to the Demand itſelf, I have very weighty, very ſtrong Exceptions, Sir, at the manner in which it is brought into the Houſe. We are to conſider, Sir, that we are but one Houſe of Parliament; and that there is another Houſe of higher Juriſdiction than this. A Houſe, Sir, that the Wiſdom of our Anceſtors has fixed as the proper Barrier betwixt the aſpiring Privilege and encroaching Prerogative. The Power of granting Money indeed is what is now veſted in this Houſe; but, Sir, give me leave to ſay, that it is a Power that the other Houſe have never yet directly and explicitly given up. I don't ſpeak this, Sir, as if I thought that we ought to regard any Claims they have of that kind, but becauſe, as they don't conteſt what we apprehend to be our Privilege, ſo we ought not to endeavour to deprive them of what is juſtly and indiſputably theirs. We don't find, Sir, the Houſe of Lords diſputing with us the Right which we have to be Judges of the Money that is granted; we don't find them inſiſting upon their Right to judge of it as well as we; and therefore, Sir, we ought not to think of depriving them of their Right to judge of Meaſures. The preſent Meſſage, Sir, mentions Meaſures, and demands Money for carrying on theſe Meaſures. Now,

Now, Sir, tho' I think it was right to make us Judge of the Money, yet it would have been reaſonable that they ſhould be made Judges of the Meaſures. This, Sir, is a Right that we have no Occaſion to be jealous of; for while we are Judges of the Money, we can always make ourſelves Judges of the Meaſures; ſince if we don't think the Meaſures for which the Money is demanded of ſufficient Importance, we are at Liberty either entirely to refuſe it, or to grant it very ſparingly. Anno 13; Geo II. 1739.

'I am ſorry to ſay it, Sir, but I perceive that of late very little Deference has been paid to that Houſe; all Applications have been made to this, and we are even diſtinguiſhed, Sir, with having the firſt Miniſter one of our Number. This Houſe therefore, Sir, has been the Channel thro' which moſt of the national Liberality has flowed; and we have not, for theſe twenty Years paſt, ſuffered one Vote of any Conſequence to paſs contrary to the Sentiments of the Miniſtry. Now, Sir, tho' I am as jealous of the Rights and Privileges of this Houſe as any Man living, and tho' I would part with every thing ſooner than be acceſſary to any Steps that might tend to diminiſh them, yet give me leave to ſay, Sir, that the beſt and the ſureſt way to preſerve them is, by ſuffering every Branch of the Legiſlature to have its due Influence in all public Occurrences. If a diſproportionable Weight of Power ſhould ever be thrown into our Scale, Sir, it will be the firſt thing that will undo us. It is by the proper Ballance that is preſerved in the ſeveral Powers of the Conſtitution, that our Liberty alone can be preſerved.

'Now, Sir, give me leave to ſuppoſe that the other Houſe ſhall find fault with this Meſſage becauſe it was not communicated to them; if that they ſhall ſay, the Commons ought indeed to have been conſulted upon the Supplies that were neceſſary for the Meaſures his Majeſty has under his Conſideration; they have a Right to determine of the Ways and Means to raiſe theſe Supplies; but ſurely it was our undoubted Right to be made acquainted with the Meaſures themſelves. I ſay, Sir, ſuppoſing the other Houſe ſhall reaſon in this manner, and come to ſome violent Reſolutions upon that Neglect; have not they, who have adviſed his Majeſty to this Step, a great deal to anſwer for to the Nation, if, at this critical Juncture, any bad Conſquences ſhall enſue? The Prudence indeed, which the other Houſe has always diſcovered, and their known Zeal for his Majeſty's and the Nation's Intereſt, will, I don't doubt, prevent them from coming to any Extremity; but, as hinted before, Sir, we ought, for our own ſakes, to take Care that the other Houſe

Anno 13, Geo II. 1739.

Houſe has its proper Weight in all public Deliberations. Whether they have had it of late, Sir, I don't preſume to determine; only I know that I have often been at a very great Loſs to know when they were to ſit, or if they were ſitting at all. I have aſked, I believe, in one Day, of a dozen People, Is the Houſe of Lords ſitting? We don't know. Do you know if they ſat Yeſterday? No. Do you know when they are to ſit? No. In ſhort, Sir, I could not learn till I ſtepped to their Door-keeper, and then he might perhaps tell me, that they had ſome Cauſe to determine, or ſome Matter of Property, upon an Appeal, to ſettle; but otherwiſe there was no more Talk of them, than there is of the Convocation.

'Having ſaid thus much, Sir, I can't help putting the Houſe in mind of the Practice of former Miniſtries, when any unforeſeen Meaſure, not provided for, and not comprehended in the Eſtimates laid before this Houſe was entered into; the Sovereign then, Sir, came to the Houſe of Lords, ſent to require the Attendance of the Commons, and in a Speech from the Throne, informed the Parliament of his Demand: And if the Meaſures for which it was to be granted were of a ſecret nature, as in Time of War they commonly are, the Parliament without any more to do complied. The Houſe of Lords addreſſed the Crown, expreſſing their Readineſs to ſupport his Majeſty in the Meaſures he ſhould undertake, and the Commons immediately ſet about finding Ways and Means for raiſing the Money demanded. Another Method of proceeding, Sir, in ſuch Caſes as the preſent, was by ſending a ſeparate Meſſage to both Houſes, of the ſame nature with that which the Right Honourable Gentleman has communicated now. Either of theſe Methods, Sir, would have been parliamentary; but I can by no means agree, that the Method in which this Demand has been made is ſo.

'The King, Sir, has been this Seſſion at the Houſe of Lords; and it could not have coſt the Miniſtry a great deal of Trouble, had they adviſed his Majeſty, after he had given his Aſſent to the Bills that were ready, to have acquainted both Houſes from the Throne of the Import of this Meſſage. This Method, Sir, would have been unexceptionable; it could have given Riſe to no Difference betwixt the the two Houſes; a juſt Regard was had to each; the Lords would have judged of the Meaſures, and we of the Money. If his Majeſty had not thought proper to have communicated the Meaſures to them, I dare ſay, their known Prudence and Zeal would have entirely relyed upon his Majeſty's Wiſdom and Royal Cares. We, on the other hand, would,

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in like manner have been ſatisfied, and immediately ſettled the proper Sum and manner of raiſing it. Anno 13. Geo. II. 1739.

' How natural is it, Sir, for the Lords, when they meet, in our Bills of Supply, with a Sum greater than what is contain'd in the Eſtimates given in, to be at a loſs for what end this Sum was granted. Suppoſing, Sir, we grant, in Conſequence of this Meſſage, fifty, a hundred, two hundred thouſand Pounds, when the Money Bills are carried up to the Houſe of Lords, they immediately perceive that there is ſo much Money granted more than the Eſtimates amount to; how ſhall they know Sir for what end this Money is granted? They can have no Direction in the Body of the Bill.'

Mr. Scroop.

SIR,

' I beg Pardon for interrupting the Honourable Gentleman, but I perceive he is in a Miſtake; and I believe he will forgive me when I inform him that there will be in the Bill of Supply a Clauſe of Appropriation for this very Sum, which will ſet the Lords right, as to the Reaſons of granting it.' Mr. Scroop.

The Member then went on.

SIR,

' I am oblig'd to the Honourable Gentleman; but that does not at all invalidate what I was going to obſerve; I ſay, Sir, how ſhall the Lords know for what Reaſon this Money was granted? By the Clauſe of Appropriation, ſays the Honourable Gentleman. But, ſay they, are we to take this Information from the Commons? Ought not we to have had the Meaſures for which this Sum was granted communicated to us by the Crown? Who made the Commons better Judges of his Majeſty's Intentions of the Propriety of Meaſures than we are? Have we not Reaſon to think ourſelves neglected? or have we given his Majeſty any Grounds to ſuſpect that we are not in our Zeal as forward, and in our Affections as warm towards his Majeſty's Service as the Commons can pretend to be? This, Sir, is naturally the manner, in which the Lords may reaſon when they come to this appropriating Clauſe: and there have been Times, Sir, when ſuch a Miſunderſtanding as this may be, has been enough to defeat all the Intention of Money-Bills, and greatly to clog the Service of the Nation.

' I hope, Sir, Gentlemen will pardon me that I have ſpoken thus freely; I have no Motion to trouble you with; I have

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I have no Objection to this Demand; but I thought it my Duty to put Gentlemen in Mind, that our aſſuming or accepting of extraordinary Power, in prejudice of the juſt Rights of the other Houſe, never can give us any real Security, nor do the Nation any real Service. It is our Buſineſs to take care that none of our valuable Priviledges are wreſted from us; to take care that we remain independent and influenc'd; and tho' our being reduced to depend on the other Houſe of Parliament, would be indeed a deplorable Situation; yet it is deſirable when compared with that of being directed and ſway'd by the Power of our own Number. For then Sir, all the extraordinary Weight, which we now boaſt of, would not be that of the Commons, but one Commoner; and if that one was immediately protected by and depending upon the Crown, it is, in the main, the Power of the Crown that is ſwell'd; and in a ſhort time the Crown muſt be Maſter of the Privileges of Parliaments, and conſequently of the Liberties and Properties of the People.'

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'The Surprize I am under at what fell from the Hon. Gentleman who ſpoke laſt, is, I own, not without a Mixture of Indignation. To hear a Member of a Britiſh Houſe of Commons talk in the Strain he has done, is, to me, very extraordinary. It is no unuſual thing for this Aſſembly, and all other Bodies, to be jealous of an Abridgment of their Powers; but it is unuſual for a Gentleman who ſets up as a Power in thoſe who are by the Conſtitution appointed the Guardians and Protectors of thoſe Liberties.

'I muſt confeſs, Sir, that the Honourable Gentleman at the opening of his Speech gave me a very agreeable Surprize; he owned the Expediency of the Demand; he applauded the manner, and approved of the Reaſonableneſs of it; but I ſoon changed my Sentiments, Sir, when I heard what followed. This Demand, ſays he, tho' both reaſonable, regular and juſt, may be a Demand made by the Miniſter to ſwell his own Pockets. How does he prove this, Sir? By the Example of the *unjuſt Steward?* But will Gentlemen ſay, that the leaſt Paralel can be drawn? Is any Man in the Kingdom, who is ever ſo little converſant in public Accounts, ignorant, that it is next to impoſſible for a Miniſter to play the Game of the unjuſt Steward? Muſt not every Office which he has named have Vouchers for their Accounts? Muſt not theſe Vouchers be brought to the Offices where their Accounts are paſt? Are there not Examiners?

aminers? Are there not Comptrolers, and Commiſſioners, whoſe Buſineſs it is to be a proper Check upon every Fraud either in the Accounts or their Vouchers; and muſt not regular-atteſted Copies be tranſmitted and filed in the ſeveral Offices of the Revenue and Treaſury? Can Gentlemen think, Sir, that the Influence of any Miniſter can be ſo extenſive, as to prevail with ſo many Men of undoubted Honour as the Officers muſt be compoſed of, to make them violate their Conſcience and endanger their Reputation, by being ſubjected to the Tongue of every mercenary Fellow who is in the Secret, and who may inform againſt them; and who, they may eaſily ſuppoſe, will make as little Scruple to betray them as to cheat the Public? Why, in the preſent Inſtance, before a Miniſter could bribe the ſeveral Officers thro' which the Accounts muſt paſs, and the whole is laid before the Houſe, he muſt be out of Pocket the whole Sum. So that the Honourable Gentleman's Inſinuations of this kind could proceed from no manner of Ground, but that he muſt at any rate have a Fling at the Miniſter. Even Scripture, Sir, muſt be preſſed into this Service; and when no Arguments can be drawn from our Conſtitution, Paralels muſt be invented from our Religion. I fancy, Sir, were the Honourable Gentleman himſelf a Miniſter, and a Member of this Houſe, that he would think it very unfair Play, ſhould any one of the Oppoſition attack him in the ſame manner; and, Sir, I think the Honourable Gentleman who has ſo many fine Qualities, and, I believe, no Averſion to being a Miniſter, ought, in common Prudence, not to be too laviſh of this Method of Oppoſition, ſince ſome Time hereafter, others may improve upon that Scheme, which he himſelf has introduced, and turn it againſt himſelf. For my own Part, Sir, if ever I ſhall have the Honour of being in the Oppoſition, I ſhall never either affect nor encourage in others the manner that ſeems now ſo much to prevail.

'Having ſaid thus much of that Part of the Honourable Gentleman's Speech, Sir, which I conceived to be nothing to our preſent Purpoſe, give me leave to make ſome Obſervations on that Part of it that has an Appearance of reaſoning. The Honourable Gentleman is very angry that the Lords did not receive a Meſſage, or were not applied to at the ſame time with this Houſe. Sir, I have a very juſt Senſe of the Powers which the Conſtitution has veſted in a Britiſh Houſe of Lords, and a very great Value for the noble Perſonages that now compoſe that auguſt Aſſembly. But, Sir, while I ſit in this Houſe, I ſhall ever oppoſe any Application from the Throne that may be made to that Houſe for Money; that, Sir, I ſhall ever look upon as a Violation of the

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Rights of the Commons; and, were I a Member of the other Houſe, I ſhould be of the ſame Mind. Let the Hon. Gentleman apply the Rule here which he himſelf laid down, that the only way to preſerve the national Liberty, is to ſuffer every Branch of the Legiſlature to have its due Influence in all public Occurrences. Sir, if we ſhould once ſuffer the Lords to be aſſociated in our Right of granting Money, this Branch of the Legiſlature would be a mere Cypher. For what are our Powers, Sir? We have a Right to impeach, to adviſe the King, to have our Perſons exempted from Arreſt during the Seſſion of the Parliament; but what would all theſe Privileges amount to, or how ſoon might we be ſtripp'd of them, if we once parted with the ſole, the uncontroulable Power of granting Money. The Houſe of Lords have many Privileges, they enjoy many Rights, that are inherent to them as a Body, and unalienable to their Perſons. They are the ſupreme Court of Judicature; the higheſt Council of the Nation; they have a Right to put a Negative upon our Proceedings; their Perſons are at all times ſacred, and it is even in their Power to prevent our making a bad Uſe of our Privilege of granting Money, by throwing out the Bill, if they ſhall find that we have been more laviſh than the Circumſtances of the Nation can admit of. And yet, Sir, not all this Power in a Houſe of Lords, great as it is, can endanger the Ballance that poizes the Conſtitution, if we ſhall ſtill aſſert our Right of granting Money. But the Moment that we admit of this Power being diſputed or ſhared with us, then the Ballance of the Conſtitution is endangered, and the Properties of the People taken out of the Hands of their natural Guardians.

'I now come to conſider, Sir, whether an Application from his Majeſty in the preſent Caſe to the Houſe of Lords, would not have been an Invaſion of our Rights to grant Money. The Honourable Gentleman ſaid, and very rightly too, that the ſole Diſpoſal of the Money of the Nation is what the Lords have never explicitely given up to the Commons; but, Sir, is not that very Circumſtance a Caution to us how we admit that any Application, when Money is to be granted, ſhould be made to another Body? May we not, Sir, by admitting of ſuch a Practice, confirm that Claim which, by the Honourable Gentleman's own Poſition, the Lords have never given up? But, ſays he, they are Judges of Meaſures, as we are of the Sums to be granted for ſupporting theſe Meaſures. Very well, Sir, and as this Application from the Crown was not for any Advice about Meaſures, but purely for Money, which is to carry on Meaſures that his Majeſty has not thought proper, and which, indeed, might

m ight be highly improper to communicate, could any of his Majeſty's Miniſters have anſwered for it, had they adviſed their Sovereign to apply for that Money to the Lords in Conjunction with the Commons. That, Sir, would not have been applying to the Lords for their Approbation of Meaſures; for how can they approve of Meaſures which they know nothing of? It would have been applying to them for Money, which we alone ought to grant. I could almoſt reſt, Sir, upon this Iſſue; whether the Honourable Gentleman himſelf, had he been a Miniſter, would have adviſed his Majeſty, when he came to the Houſe of Lords, to have addreſſed himſelf to the Parliament in the following Terms: "My Lords and Gentlemen, I having under my Conſideration certain Meaſures which will occaſion ſome extraordinary Expences, not comprehended in the Eſtimate laid before one Houſe of Parliament, I hope, from your known Zeal, that I ſhall be enabled to carry on the ſame in the moſt effectual manner." How would ſuch a Speech have ſounded in the Ears of the Commons? Here is a direct Application to the Lords, as well as the Commons, for Money. And the Lords are at the ſame time called upon to make good the Deficiencies of Eſtimates that never were laid before them.

'This Meſſage, Sir, will require very little Conſideration to convince us, that it is indeed no other than a kind of a Supplement to the Speech delivered the firſt Day of the Seſſion from the Throne. In that Speech, Sir, there is always a Paragraph which is addreſſed ſingly to the Commons, acquainting us, that his Majeſty will order the Eſtimates for the Service of the current Year to be laid before the Houſe, and recommending Unanimity and Diſpatch in the Supplies. According to this Eſtimate, Sir, we regulate the Sums we raiſe, and never grant more than what is contained in theſe Eſtimates. The Houſe of Lords, on the contrary, never have any Eſtimate laid before them; and, therefore, they cannot examine the Sums granted by the Eſtimates laid before them, as the Honourable Gentleman that ſpoke laſt inſinuated, they might inſiſt upon having, and which is the peculiar Privilege of this Houſe. Then how does the Caſe ſtand, Sir? His Majeſty, in his Speech from the Throne, acquainted us, that he would order the proper Eſtimates for the Service of the current Year to be laid before us. A Service is undertaken of which no Eſtimate can properly be made, and he ſends to acquaint the Commons ſingly, that he hopes, from their known Zeal, that they will enable him to carry on the ſame in the moſt effectual manner. Now, Sir, by what I underſtand from the

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Honourable Gentleman who ſpoke laſt, he apprehends that the Purport of this Meſſage ought either to have been contained in the Speech itſelf, or delivered from the Throne when his Majeſty came to the Houſe of Lords, or communicated by way of Meſſage to both Houſes.

'I believe, Sir, I may venture to ſay that the Public is ſufficiently apprized that the Meaſures his Majeſty mentions he has under Conſideration, are for diſtreſſing the Enemy in America, by an Expedition, the Particulars of which it would be highly imprudent to communicate: But if an Eſtimate, Sir, had been made of the Expences which every Branch of this Service requires, the Particulars muſt have been known, not only to ourſelves, but our Enemies, and therefore they might have had Time and Opportunity to defeat the whole Expedition. Beſides, Sir, Gentlemen can't ſay, but that a great many particular Services required in this Expedition, have been reſolved upon ſince the Beginning of the Seſſion. From theſe Reaſons it appears, that his Majeſty, or they who adviſe him, could not have laid this Eſtimate with the other Eſtimates before this Houſe.

'The other Expedient propoſed by the Honourable Gentleman, I mean that of communicating it from the Throne, was equally impracticable conſiſtently with the Rights of this Houſe. I have already, Sir, conſidered how this Proceeding would have looked, and, I think, I have proved, that it would have been a direct Violation of our Rights as a Houſe. I ſhall only add, Sir, to what I have already ſaid, that his Majeſty, in his Speech from the Throne, informed both Houſes, that the Services of the current Year would be various and extenſive, and inevitably attended with great Expences and ſome Inconveniencies. He was likewiſe pleaſed to inform us, that he intended the Enemy ſhould be diſtreſſed and annoyed in their moſt ſenſible Parts. This, Sir, was all that the other Houſe could expect; and if thoſe Services, by being ſo extenſive, call for a further Supply than what is comprehended in the Eſtimate, to whom could his Majeſty ſo properly apply as to this Houſe?

The third Expedient, that at communicating this Meſſage in writing to both Houſes at the ſame Time, would perhaps, have been a more abſurd way of Proceeding than any of the other two; for it muſt either have been in the ſame Words or in others. Had it been in the ſame, it was a direct Violation of our Rights. This, I believe, is what the Honourable Gentleman himſelf will not diſpute; and Sir, I will give up the Cauſe, if the Honourable Gentleman, or any of his Friends, can frame a Meſſage in other Words to anſwer the ſame Purpoſes. All that his Majeſty, Sir, could have

have ſaid, by way of Meſſage to the other Houſe, was, My Lords, I have certain Meaſures under my Conſideration which I hope will merit your Approbation. He could not, Sir, with any manner of Propriety, have mentioned a ſingle Word to the other Houſe alone of Eſtimates of Supplys, and what this Meſſage contains beſides is nothing at all, or at leaſt no more, than what he deliver'd from the Throne in the Beginning of the Seſſion.

'But, Sir, to put the Abſurdity of ſuppoſing, that the Lords can have any Reaſon to be diſſatisfied with this Meſſage, being addreſſed to us ſingly, beyond all Diſpute, I muſt put Gentlemen in Mind that it is the Prerogative, it is the Duty of the Crown, without conſulting either Houſe of Parliament, to put in Execution ſuch Meaſures as may moſt effectually diſtreſs and annoy the Enemy. This Power, Sir, is lodg'd in the Crown in Time of War; it has never yet been diſputed by the moſt jealous Oppoſers of the Court; ſo that, Sir, the Lords can have no ſhadow for complaining, that his Majeſty has not beforehand ſubmitted his Meaſures to their Deliberation. If they complain, Sir, it muſt be becauſe his Majeſty has not aſked their Concurrence in granting the Supplies that are neceſſary for carrying on theſe Meaſures, a Practice, Sir, which, I hope, never will prevail in this Kingdom.

'The preſent, Sir, is a critical Time: The Eyes of all Europe are fixed upon our Deliberations; and, Sir, I am ſorry to hear any thing thrown in here to break that Unaminity, which is the Soul and the Life of Councils. We ought to conſider, Sir, that in a numerous Aſſembly, ſuch as this, Gentlemen cannot expect that every thing they ſay, ſhould be long a Secret; and, Sir, if the Lords ſhould think, from what has been this Day ſaid, that they will meet with a Party amongſt ourſelves ready to give up a Point, that they have ſo long and ſo ineffectually labour'd, who can ſay what may be the Conſequences? At Home, Sir, I am ſure the Conſtitution muſt feel the worſt Effects from ſuch an Alteration, and nothing could give, Sir, our Enemies Abroad ſo much Joy, or our Friends ſo much Concern.

'The Honourable Gentleman, Sir, ſaid ſomewhat about this Houſe being reduced to depend upon one of their one Number; but as I cannot underſtand what he meant, it is enough for me, Sir, to take notice that I know of no Dependance which this Houſe has upon any Body. Gentlemen, I do not doubt, wou'd be very glad to ſee it dependent upon themſelves; but, I hope, we never ſhall know any but a conſtitutional Dependency; and that, I hope, we

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we ſhall always know. Mean Time, Sir, I can't help thinking it an odd way of arguing, for Gentlemen, in one Breath, to cry out againſt the exceſſive Power of this Houſe, and the next, to bewail its Dependency upon one Perſon. I ſhall add no more, Sir, but to wiſh that Gentlemen would ſo unanimouſly agree to this juſt and neceſſary Demand of his Majeſty, as to leave no room for the Enemies of the Nation to hope that this Houſe, or any Members of it, wou'd wiſh, by an ill-tim'd Jealouſy, or Frugality, to diſtreſs his Majeſty's Meaſures.'

* Arthur Onſlow Eſq;

SIR,

Arthur Onſlow, Eſq;

'I think myſelf oblig'd to riſe up on this Occaſion, when ſomewhat has been thrown out that ſeems levelled againſt the great and moſt important Right of this Houſe, that of granting Money. It is a Right, Sir, that never ought to come into doubt; it is a Right which we cannot part with the ſole Exerciſe of, without giving up our own Power, without betraying the Liberties of our Conſtituents. In my Opinion, Sir, this Meſſage is drawn up with a juſt Regard to that Right, and had it not come in this manner, it would have been irregular; nay, I will go ſo far as to ſay, Sir, that had another Houſe been apply'd to for this Money, tho' I have the greateſt Regard for his Majeſty's Service, tho' I have the greateſt Opinion of the Juſtice and Neceſſity of this Demand, yet I, had not another Member of the Houſe ſeconded me, would have oppos'd it.

'I cannot ſit down, Sir, without doing Juſtice to the Honourable Gentleman who ſpoke laſt ſave one, by declaring, that ever ſince I had the Honour to ſit in this Houſe, or to know any thing of Gentlemen's Sentiments, I never knew any Gentleman more attach'd to the Rights and Privileges of this Houſe; I always heard him upon that Subject with as much Pleaſure as ever I heard any Gentleman in my Life; and I will ſay farther, Sir, that, I believe, no Gentleman has juſter Sentiments of our Conſtitution than that Gentleman has, or can defend it with more Zeal and Abilities. If the Honourable Gentleman, therefore, threw out any thing upon this Head that ſeem'd to glance at the ſole Power, which I hope, this Houſe ſhall aſſert of granting Money, it was only from his Zeal, leſt the other Houſe might take Occaſion from a ſeeming Neglect to raiſe Objections that might embaraſs his

* *Speaker of the Houſe, and Treſurer of the Navy.*

his Majeſty's Meaſures at this important Juncture. But I am perſuaded, Sir, from the Experience we have always had of the Moderation and Equity of that auguſt Aſſembly, that we have nothing of that kind to fear."

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Ordered, *Nemine contradicente*, That the ſaid Meſſage be referred to the Committee on the Supply.

The 13th. Read a third time, and paſſed the Bill for the more effectual preventing the Abuſes and Frauds of Perſons employed in the working up the Woollen, Linnen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom. Ordered it to the Lords.

Ordered, That an Account be laid before this Houſe, of what Money has been applied from Michaelmas 1730, to this Time, towards paying any Taxes on the Salaries of the Commiſſioners, and other Officers of the Admiralty, Navy, Treaſury of the Navy, and Victualling Offices, out of what Fund, and by what Authority, diſtinguiſhing each Office, and each Year.

Ordered, That an Account be laid before this Houſe of what Impreſts for the Contingencies of the Admiralty, Navy, Treaſury of the Navy, and Victualling-Offices are not cleared at the Navy-Office, with an Account of what Directions have been given for clearing the ſame.

Impreſts Account of Contingencies to the Admiralty, &c. ordered in.

The 14th. Read a firſt time, a Bill for further and more effectually preventing the wilful and malicious Deſtruction of Collieries and Coal-Works.

Agreed to the Report of Yeſterday's Reſolutions on the Supply, viz.

Reſolved, That 200,000l. be granted on Account, towards enabling his Majeſty to proſecute, in the moſt effectual manner, the War in which he is engaged.

That 9477l. 13s. 1d. be granted for defraying ſeveral extraordinary Expences and Services incurred, 1739; and not provided for by Parliament.

Received a Petition from the Silk-Weavers, Throwſters, &c. praying that the Duty upon China Raw-Silk, might be made equal to the Duty upon all Italian Raw-Silk, and ſetting forth the many Advantages which would accrue to this Kingdom thereby *.

Referred to a Committee of the whole Houſe.

The 15th. Read a firſt time, a Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, and other

* *The preſent Duty on the Italian Raw-Silk, is* 11. 5*d. and one Tenth of a Penny per great Pound. And that on China Raw Silk, is* 3*s.* 9*d. and* 45 *of* 100 *Parts of* 1*d. per great Pound.*

Anno 13, Geo. II. 1739.

other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament; and alſo for amending the Laws for erecting, providing, and regulating Houſes of Correction.

Read a ſecond time, the Bill to reſtrain and prevent the exceſſive Increaſe of Horſe-Races.

Ordered, That the Report from the Committee, who were appointed to conſider how far the Privilege of this Houſe ought to be allowed to ſuch Members of this Houſe as ſhall be abſent in Foreign Parts during the Sitting of Parliament, be recommitted; on a Diviſion, Ayes 77, Noes 73.

The 18th. Received ſeveral Accounts from the Navy, Admiralty, and Victualling Offices, of what Monies had been paid away for the laſt ſeven Years.

Read a firſt Time a Bill for Naturalizing Amalie Sophie de Wallmoden.

200,000 l. granted out of the growing Produce of the Sinking Fund.

Agreed to the Report of laſt Friday's Reſolution in a Committee on Ways and Means, viz. Reſolved, That towards raiſing the Supply, his Majeſty be enabled to iſſue and apply the further Sum of 200,000 *l.* out of the growing Produce of the Surpluſſes, Exceſſes, or Overplus Monies commonly called the Sinking Fund.

Ordered, That it be an Inſtruction to the Gentlemen, who are appointed to prepare and bring in a Bill upon the Reſolution reported, upon the fifth Inſtant, that they do prepare a Clauſe or Clauſes to be inſerted in the ſaid Bill, purſuant to this Reſolution.

Read a firſt Time a Bill for the more eaſy and effectual Recovery of ſmall Debts.

Read a firſt time a Bill to give further Powers to the Commiſſioners for building Weſtminſter-Bridge, and to enable them to raiſe a further Sum of Money towards finiſhing the ſaid Bridge; and to perform other Truſts repoſed in them.

Ordered a new Writ to be iſſued out for electing a Member for the Borough of Devizes in Wilts, in the room of Sir Joſeph Eyles Knight.

Read a firſt time a Bill to explain and amend an Act 9. Q. Anne, for ſecuring the Freedom of Parliaments, by the further qualifying the Members to ſit in the Houſe of Commons.

Received a Petition from the Juſtices of Weſtminſter, ſetting forth the Inſufficiency of the Laws in being, for ſettling the Prices of Coals, or preventing Combinations, &c.

Received

Received a Petition from the Juſtices of Weſtminſter, ſetting forth the Inſufficiency of the preſent Laws in being, for obliging the Scavengers to cleanſe the Streets, that they have no Power to remove the Nuſances and Obſtructions in the Street, and can proceed only by Indictment, which is very dilatory and expenſive, and no Proviſion made for defraying the Charges, &c, &c. And thereupon praying Relief.

Both Petitions were Ordered to lie upon the Table.

The 19th. Read a firſt Time a Bill for granting to his Majeſty the Sum of One Million, Two hundred Thouſand Pounds, out of the Sinking Fund, and the growing Produce thereof.

Read a firſt Time a Bill for the better Preſervation of the Salmon and Trout Fiſheries within this Kingdom.

Agreed to the Amendments made by the Lords to the Bill for Naturalizing ſuch Foreign Proteſtants, as are ſettled, or ſhall ſettle in any of his Majeſty's Colonies in America.

Bill for Regiſtring Seamen rejected.

Rejected, (upon the ſecond reading) the Bill for Regiſtring all Seamen, Watermen, Fiſhermen, Lightermen, &c. &c. without a Diviſion*.

Reſolved, That this Houſe will, upon Monday Morning next, reſolve itſelf into a Committee of the whole Houſe, to conſider of Heads of a Bill for the further and better Encouragement of Seamen to enter voluntarily into his Majeſty's Service.

Read a ſecond Time the Bill for granting One Million Two Hundred Thouſand Pounds, out of the Sinking Fund.

Diviſion on Mr. Corbet's having accepted a Place.

A Motion was made, and the Queſtion being put, that a new Writ be iſſued out for electing a Burgeſs to ſerve in this preſent Parliament for the Borough of Saltaſh in Cornwall, in the room of Thomas Corbet, Eſq; who hath accepted a Salary of 200 l. per Annum as Secretary to the Court of Aſſiſtants for the Relief of poor Widows of Sea Officers; It paſſed in the Negative, Ayes 132, Noes 223.

And on a Motion for an Enquiry what new Offices have been erected ſince 1705.

A Motion was made, and the Queſtion being put, That a Committee be appointed to enquire what new Offices or Places of Profit have been created or erected ſince the 25th of October, in 1705; and alſo whether there are any greater Number of Commiſſioners made or conſtituted for the Execution of ſuch reſpective Offices? It paſſed in the Negative Ayes 154, Noes 169.

* *By that Bill, if a Seaman, &c. removed from a certain Diſtrict, he ſhould be deem'd a Deſerter, and be puniſh'd accordingly.*

Anno 12, Geo II. 1739.

The 21ſt. Ordered, That the Call of the Houſe be adjourned to this Day Month.

And then, The Addreſs of the Houſe of Commons to his late Majeſty, in the 31ſt of March 1715, that his ſaid Majeſty would be pleaſed to direct, that all Powers, Inſtructions, Memorials, Letters, and Papers, relating to the then late Negotiations of Peace and Commerce, and to the Ceſſation of Arms, might be laid before that Houſe, was read.

'As alſo, The Journal of the Houſe of the 9th of April following, in relation to the Appointment of a Committee of Secreſy, to whom the ſaid Powers, Inſtructions, Memorials, Letters, and Papers, then preſented to the Houſe, were referred.

'And likewiſe, His late Majeſty's moſt gracious Speech to both Houſes of Parliament, relating to the Concluſion of the War, and the Attempts to defeat the Proteſtant Succeſſion; together with the Addreſs of the Houſe of Commons to his ſaid Majeſty thereupon, contained in the Journal of that Houſe, of the 23d and 24th Days of March 1714. after which

Debate on the Motion for the Papers relating to the Convention.

William Pulteney Eſq; ſtood up and ſpoke as follows:

William Pulteney, Eſq;

'SIR,

'Fond as moſt Kings are of arbitrary Power, it is certain, the Sovereign of theſe Kingdoms is in a more happy and ſecure Condition, than any abſolute Sovereign upon Earth; becauſe, by our Conſtitution, and as long as it has its due Effect, neither the Diſcontents nor the Reſentment of the People, can ever affect the Throne: In abſolute, as well as limited Monarchies, it is not only the Duty, but the Buſineſs of the Sovereign to preſerve the Affections and Eſteem of his Subjects; becauſe upon this alone his Security and Power muſt neceſſarily depend. I know, Sir, that in abſolute Monarchies, ſupported by Standing Armies, the Security and Power of the Sovereign depends upon the Army, not upon the People; but, in ſuch Governments, the People are not properly Subjects: They are the mere Slaves of the Sovereign and his Army; and are in the ſame State with the Villani in our antient Conſtitution, who were neither allowed to have Arms, nor to know the Uſe of Arms. In ſuch Governments therefore, the Gentlemen of the Army, and they alone, are properly to be called Subjects, and upon their Affections and Eſteem, the Security and Power of the Sovereign muſt depend; for when a Diſcontent among them becomes general and violent, they mutiny, and ſuch Mutinies, as we may learn from the Hiſtories of all Ages, are generally

fatal

fatal to the Sovereign as well as his Miniſters, without making any Diſtinction between the Innocent and Guilty. This is a Danger which an abſolute Sovereign muſt always lie expoſed to, and the Misfortune is, that, as none but the Tools of Miniſters and Favourites are uſually allowed to approach the Throne, the King knows nothing of the Diſcontents of his Subjects, till he hears of their having thrown aſide their Allegiance. Then, both his Security and Power muſt depend upon the Succeſs of his Arms; and neither can be re-eſtabliſhed, but by the Death of a great Number of his Subjects. Anno 13. Geo. II. 1739.

'From hence, Sir, it is evident, that the Sovereign of theſe Kingdoms muſt always be in greater Security than any abſolute Monarch: By the Conſtitution of our Government, while it is preſerved entire, the King can do no wrong. If any weak or wicked Meaſures are purſued, his Miniſters only are to bear the Blame. The King can never ſuffer by ſuch Meaſures, either in his Perſon, or Royal Dignity, unleſs he ſets himſelf up as the Screen of his Miniſters, and as a Buckler for defending them againſt the public Juſtice of the Nation, which he never can do whilſt our Conſtitution is preſerved. Whilſt our Parliaments are allowed to ſit, and to be free and independent, they never will allow their Sovereign to take upon himſelf the Blame of his Miniſters, nor will they allow Diſcontents to grow general amongſt his Subjects. When Diſcontents begin to grow general, there muſt have been ſome Fault in the Adminiſtration, or the People muſt have been miſtaken and miſled. If the latter of theſe be the Caſe, an impartial and ſtrict Enquiry, by a free and independent Parliament, will rectify the Miſtakes of the People, and direct their Reſentment againſt thoſe that led them into an Error. And when the Diſcontents of the People proceed, as they generally do, from any real Weakneſs or Wickedneſs in the Adminiſtration of our public Affairs, an Enquiry of this Nature will point out to the People, the Miniſters that have diſobliged them, and to the Crown, the Servants that have betrayed it. A free and independent Parliament will not only tell the King that the People are diſpleaſed with the Conduct of his Miniſters, but it will diſtinguiſh between the Innocent and Guilty. The latter it will tear from behind the Throne, where ſuch Miniſters always endeavour to take Refuge, and thus, by clearing the Throne of Guilt, it will reconcile the Hearts of the People to their Sovereign.

'In this, Sir, the ſuperior Happineſs and Security of the Sovereign of theſe Kingdoms conſiſts, and from this

Anno 13, Geo II. 1739.

we may ſee the Duty that every Gentleman, as a Member of this Houſe, owes to his King as well as his Country. When any Gentleman of this Houſe becomes ſenſible of Complaints, Clamours, or Diſcontents among the People of that Part of the Kingdom he repreſents; and that thoſe Complaints, Clamours, or Diſcontents, are growing general, he is, in Duty to his Sovereign, as well as his Country, obliged to move for an Enquiry into that Part of the Conduct of our Adminiſtration which occaſioned them; and every Gentleman, who thinks there are any ſuch, is obliged to join with him in the Motion, even tho' he ſhould think that there is no real Ground for ſuch Complaint, Clamour, or Diſcontent; becauſe, in Duty to our Sovereign, we are obliged to inform him of every Diſcontent that ariſes in any Part of the Kingdom, and, in Duty to the People, we are obliged to give them Satisfaction; by puniſhing the Guilty, if the Diſcontent ſhould, upon Enquiry, appear to be well grounded; by convincing them of their Error, if it ſhould be found they have been deceived. This, Sir, is our Duty. Upon the Performance of this Duty, the ſuperior Security of the Sovereign of theſe Kingdoms depends, and therefore every Gentleman of this Houſe will certainly perform his Duty in this reſpect, unleſs he be more attached to the Security of the King's Miniſter, than to the Security of the King himſelf. In abſolute Monarchies the Sovereign can expect no ſuch Security, becauſe, no Man can, in ſuch Governments, come into any of the King's Councils, but ſuch as are recommended by the King's firſt Miniſter, if the King be weak enough to have ſuch a one; but as no Gentleman, I hope, comes here by the Recommendation of any Miniſter whatever, in this Houſe his Majeſty may always, I hope, depend upon an honeſt and fair Information.

'This being the Duty we owe both to our King and Country, I muſt deſire, that every Gentleman would conſider, what is ſaid among the People, of our late Convention with Spain, and the Negotiations by which we were brought into that diſhonourable and ridiculous Treaty. Is not that Treaty condemned by every Man in the Nation that dares ſpeak his Mind? Did it not, as ſoon as it was publiſhed, raiſe a moſt general Clamour in every Part of the Kingdom? Theſe Diſcontents at preſent lie ſmothering under the Hopes of a ſucceſsful War, but they are far from being removed or extinguiſhed. The People are ſtill convinced, that the Treaty was a moſt deſtructive and diſhonourable Meaſure: That the Honour of the Nation was negotiated away, the juſt Claims of our plundered Merchants given up, the South Sea Company abandoned, and the Freedom of

our

our Trade and Navigation left in a moſt precarious Situation; and all for the ſake of furniſhing ſome Gentlemen with an Excuſe, for not having made the proper Uſe of thoſe warlike Preparations, which had been made at a great Expence to the Nation. This, Sir, is the way of thinking amongſt a great Part of the People, and whilſt we think ſo, can we ſuppoſe, they will be ſatisfied, or that they will forgive thoſe who led the Nation into ſuch deſtructive Meaſures? Theſe Diſcontents do not as yet, I hope, affect the Throne; but if we do not take care to remove them, they may, they probably will; and we can remove them no other way, but by a ſtrict and impartial Enquiry into the Meaſures that occaſioned them. Whether thoſe Meaſures were wrong, whether the Diſcontents of the People were well or ill grounded, ſignifies nothing: It is ſufficient Cauſe for an Enquiry, that there are ſuch Diſcontents among the People; and that there are, I believe, no Gentleman will deny. If they are well founded, we are bound, in Duty to our Country, to puniſh thoſe that occaſioned them, or at leaſt to remove them from our public Councils: We are, in Duty to our Sovereign, obliged to remove weak or wicked Counſellors from about the Throne, and to ſhew the People that his Majeſty is not to be blamed. If theſe Diſcontents are without Foundation; if there was no Weakneſs nor Wickedneſs in our late peaceable Negotiations, nor in the Convention, which was the Iſſue of them, and which, I think, was the perfect Picture of its Parent, we ſhall be able, by an Enquiry, to convince the People of their Miſtake, which will be of great Advantage to us in the Proſecution of the War; becauſe the People will pay their Taxes with Pleaſure, when they conſider that the public Money is under the Management of thoſe who know how to apply it, and certainly will apply it, to the beſt Advantage; and our Armies, both by Sea and Land, will act with Courage and Alacrity, when they have a Confidence in the Wiſdom and Skill of thoſe that conduct them. Anno 13, Geo II. 1739.

'For this Reaſon, Sir, if we have any Regard to our Sovereign, or to the Succeſs of his Arms, which are now employed, and will, I hope, be vigorouſly employed, in vindicating the Honour and the Rights of the Nation, we ought to enquire into that Part, at leaſt, of our late Conduct, which relates to the Convention with Spain; and therefore, I ſhall conclude with a Motion for having all the Papers relating to that Negotiation laid before the Houſe. This Motion is founded upon a very famous Precedent, which has been juſt read to you; and when thoſe Papers are laid before the Houſe, I ſhall then, in purſuance of the ſame

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ſame Precedent, move for having them referred to a Committee of Secreſy; which, I think myſelf now obliged to give Notice of, in order to obviate the Objection uſually made againſt our addreſſing to have ſuch Papers laid before us. As the Enquiry I thus intend to move for, is founded upon ſo late a Precedent, and a Precedent too in which an Honourable Gentleman near me had a very great Concern: As he was ſo zealous for enquiring into our peaceable Negotiations upon that Occaſion, I hope he will not be againſt ſuch an Enquiry upon this; and really, if I were deemed worthy of giving him any Advice, I ſhould adviſe him to be for having the Enquiry carried on in the moſt ſtrict manner, and by a Committee of Gentlemen who can be no way ſuſpected of a Dependency upon, or a Partiality for any of thoſe that were concerned in the negotiating of that Treaty. He has often told us, that not only the Treaty itſelf, but every Step towards concluding it, may be juſtified, and ſhewn to have been the moſt wiſe and prudent Meaſure the Nation could, at that Time, purſue; and, upon ſuch Occaſions, he has always arrogated to himſelf the ſole Honour of that Meaſure. As to the Wiſdom and Prudence of the Meaſure, he muſt be ſenſible that a great Part of the Nation differ in Opinion from him. He muſt know, that not only the Treaty, but the Negotiations which ended in that Treaty, or rather in the War which was the natural Conſequence of it, for the Treaty itſelf was rather the Beginning, than the End of a Negotiation: I ſay, he muſt know, that both the Treaty and the previous Negotiations were, and are ſtill, condemned by a great Part of the Nation; and therefore, if he was the ſole Author and Adviſer, in order to vindicate his Character, he muſt be for a ſtrict and impartial Enquiry; becauſe this is the only way of refuting the Objections made to his Conduct.

'But, Sir, as I always had, and have ſtill a bad Opinion of the Treaty, as well as the previous Negotiations, I am willing to ſuppoſe, the Honourable Gentleman was not the ſole Author and Adviſer of either; and, by the Nature of his Office, he could not be the Conductor: He went very far out of his Province, if he had any thing more to do, either with the Treaty or the Negotiations that preceded it, than ſimply giving his Opinion, as one of his Majeſty's Cabinet Council; for, I hope, his Majeſty's Cabinet Council does not conſiſt ſolely in his Perſon; and therefore, I think, it is is very much his Intereſt to have that Affair ſtrictly and impartially enquired into, in order to convince the World, that he had not near ſo great a Hand in it, as he is now generally ſuppoſed to have had. Thus, Sir, let the

the Honourable Gentleman near me conſider the Convention in what Light he will, let him conſider it as a good Thing in which he had the Honour of being the chief Perſon concerned; let him conſider it as a bad Thing in which he had no more Concern than what belonged to him, it is his Intereſt to have the Affair enquired into; and, conſidering the general Reproach it has occaſioned, I have ſhewn that it is his Duty; ſo that I cannot but expect his Concurrence in the Motion I am to make. I can conceive no Reaſon for his being againſt it, unleſs he be not only conſcious that the Convention was a very wicked Treaty, but alſo that he was, contrary to the Nature of his Office, and inconſiſtently with the Conſtitution of our Government, the chief Conductor, as well as the ſole Adviſer of it. Anno 13, Geo. II. 1739.

'I hope, Sir, the Houſe will pardon me, for taking up your Time with ſhewing ſo particularly my Reaſons why the Honourable Gentleman near me ſhould concur with me in the Motion I am to make. My Reaſon for doing ſo may be eaſily gueſſed at; and, as for the other Gentlemen now in this Houſe, who may have had ſome Share in thoſe Negotiations, or in adviſing that Treaty, if there are any ſuch, I am ſure they ought, for the ſake of their own Characters, to promote an Enquiry into that Affair, if they really think it will bear being examined. As for my own Part, I ſhall freely own, that, in my Opinion, both the Treaty itſelf, and the Negotiations that preceded it, deſerve to be, and, I believe, upon a ſtrict Examination, will be as explicitly condemned by Parliament, as they have already been by the Nation. The Treaty of Utrecht, conſidering the Succeſs of our Arms, was a bad Treaty: Our firſt Negotiations which afterwards produced that Treaty, were ſcandalous and diſhonourable, becauſe they were ſeparate and diſtinct from our Allies in the War; but when this Treaty, and theſe Negotiations, are compared with our late Negotiations in Spain, and the Convention that was the Conſequence of them, if the Authors and Adviſers of the latter eſcape Puniſhment, the Authors and Adviſers of the former deſerve our Thanks. Therefore, if the Weakneſs or Wickedneſs of any Treaty or Negotiation, can be a Reaſon for a parliamentary Enquiry, we have more Reaſon to enquire into our late Convention and Negotiations with Spain, than we had to enquire into the Treaty of Utrecht. The latter was very far from having raiſed a general Diſcontent: It was, it is true, condemned by moſt of the Men of ſuperior Knowledge and Senſe in the Nation, but it was approved by ſuch as do not conſider the remote Conſequences of Things; and, if we include the Populace, I may ſay, it was approved by a Majority

Anno 13, Geo II. 1739.

Majority of the Nation. Whereas our late Convention with Spain was not, I am convinced, approved by any Man of Senſe in the Nation, except thoſe only who were governed by private and ſelfiſh Motives of their own; and the Diſhonour and Diſadvantage of it were ſo apparent, that it was exclaimed againſt by all Ranks and Degrees of Men.

'I hope, Sir, it will not be urged againſt my Motion, that the Convention was approved of by Parliament; for ſuppoſe it had been approved of in the moſt plain and expreſs Terms in the laſt Seſſion of Parliament, it can be no Argument againſt enquiring into it, or condemning it in this. The Treaty of Utrecht had been approved of in the moſt expreſs Terms by the very next preceeding Seſſion of Parliament, and yet, we find, it was enquired into, and not only expreſly condemned, but the Authors and Adviſers of it puniſhed, in what I may properly call the very next enſuing Seſſion. But the Convention was ſo far from being expreſly approved in laſt Seſſion, that it was with great Difficulty, and by a ſmall Majority, it met with any Sort of Approbation. Nay, I am convinced, if the Argument had then reſted upon the ſingle Merits of the Treaty, it would have met with an expreſs Condemnation. But as Peace is a deſirable Thing, and as Gentlemen were afraid, that by condemning the Convention they would prevent the Concluſion of that Treaty of Peace they were made to hope for, and might thereby involve the Nation in a War, therefore, to avoid the Imputation of being the Authors of a War, they were againſt condemning the Treaty in Parliament, tho' they could not but condemn in it in their Hearts. This, I verily believe, was the way of thinking with many Gentlemen who voted for the Addreſs then propoſed; and as thoſe Gentlemen are now free from ſuch Fears, as they may now conſider the Convention, and give their Sentiments of it freely, and upon its own Merits, I have Reaſon to hope, they will not only join with me in moving for the Papers relating to it, but alſo in moving for having thoſe Papers referred to a Committee of Secreſy; for if the Treaty deſerved laſt Year to have been condemned upon its own Merits, it muſt now deſerve more to be ſo, ſince it has failed of producing the only good Thing thoſe Gentlemen could expect from it. Nay, ſuch Gentlemen have, I think, more Reaſon than others to have the Treaty enquired into, and either vindicated or condemned; becauſe they were laſt Year induced, by falſe Hopes, and arrogant Aſſurances, to give a Sort of Approbation to what had been

been condemned by the Majority of the Nation, and what they could not, in their own Conſciences, directly approve. Anno 13, Geo. II. 1739.

'But ſuppoſe, Sir, there may be ſome Gentlemen in this Houſe who did approve, and ſtill do approve of the Convention, as well as the Negotiations previous to it; and ſuppoſe, as the Hon. Gentleman near me has often ſaid, that both may be fully juſtified, ſurely no Man who thinks ſo can be againſt our taking the moſt proper Method for bringing the Nation into their Way of thinking. The Deſire of bringing others into our Opinion is ſo natural to Mankind, that no Man will refuſe doing it, when he has a proper Opportunity for that Purpoſe; and as the Diſcontents of the Nation ſtill run very high againſt that Treaty, and thoſe Negotiations, I have ſhewn that it is the Duty of every Member of this Houſe to endeavour to remove them, by taking the moſt proper Method for ſhewing the People their Miſtake, and that they have no Reaſon to be diſſatisfied with either, Thus, if we approve of the Convention, we ought to enquire into it: If we do not approve of the Convention, we ought to enquire into it; and therefore, let Gentlemen pretend what they will, I cannot ſuppoſe that my Motion will be oppoſed by any, but ſuch as are conſcious of the Weakneſs or Wickedneſs of that Meaſure, and are againſt its being enquired into by Parliament, leſt they or their Friends, who had a Hand in that Treaty, ſhould be thereby brought to ſuffer the Puniſhment they deſerve; but as the Number of ſuch Gentlemen is not, I hope, very great in this Houſe, therefore, I think, I may make my Motion with ſome Confidence of Succeſs; and that there may be no Objection made to the Form of it, I have drawn it up in the very Words of the firſt Motion made for enquiring into the Treaty of Utrecht. My Motion is, That an humble Addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions to the proper Officers to lay before the Houſe, all the Powers, Inſtructions, Memorials, Letters, and Papers, relating to the Convention between Great Britain and Spain, concluded at the Pardo, Jan. 14, 1739. N. S.

Sir Robert Walpole.

SIR,

'Of all the Duties incumbent upon us as Members of this Houſe, there is not one more neceſſary than that of ſupporting his Majeſty in the Proſecution of the preſent War, and avoiding every Thing that may interrupt him, or any of thoſe employed by him, in that Proſecution. The Sir Robert Walpole.

Anno 13. Geo. II. 1739.

Gentlemen that were concerned in adviſing and conducting our late Negotiations with Spain, or in concluding the late Convention, are not, I am very ſure, in the leaſt afraid of a fair and impartial Enquiry into that whole Affair, or of having all the Papers relating to it laid before this Aſſembly; but if ſuch an Enquiry were to be ſet on foot, they would have Reaſon to be afraid of an unfair and partial Enquiry into their Conduct: I ſay, Sir, they would have Reaſon to be afraid; for tho' ſuch a Thing be improbable, it muſt be allowed to be poſſible; and a bare Poſſibility is, in ſuch a Caſe, a ſufficient Ground of Fear. This muſt of courſe give them a good deal of Uneaſineſs, and put them to an infinite deal of Trouble, as we may moſt rationally conclude, from the Loads of Papers we have already upon our Table, relating to thoſe Tranſactions. Theſe, and a great many more, the Gentlemen concerned, and their Friends, muſt carefully review, for otherwiſe their Enemies might, from ſome of the Papers, pick Objections to their Conduct, which, without examining other Papers, might appear feaſible and well grounded; from whence we muſt perceive, what an infinite Trouble the Gentlemen concerned in thoſe Tranſactions muſt be put to by ſuch an Enquiry; and this Trouble no Gentleman can in Juſtice reſolve to put them to, unleſs he ſuſpects, at leaſt, their having been guilty of very great Enormities.

'From this Conſideration, Sir, which will hold good in all Caſes as well as this, we ought to lay it down for a Rule of our Conduct in this Houſe, never to ſubject any Man to the Trouble and Danger of an Enquiry, unleſs we think, we have good Reaſon to ſuſpect his having been guilty of ſome very great Weakneſs, or ſome real Crime, in the Affair he had under his Management. This ought, in all Caſes, and at all Times, to be our Rule of Conduct; but in the preſent Caſe, and at the preſent Time, we are more than ordinary under an Obligation to follow it; becauſe we are now engaged in an expenſive War, and a War which may become dangerous as well as expenſive; and becauſe ſome of thoſe Gentlemen that had a Hand in adviſing or conducting our peaceable Negotiations, are now employed by his Majeſty in adviſing or conducting the Meaſures proper to be taken for a vigorous Proſecution of the War: This every one knows to be our Caſe at preſent, and without Compliment, I think, I may ſay, theſe Gentlemen are the moſt proper to be employed; becauſe they muſt be ſuppoſed to be the moſt ſenſibly touched with the Shifts and Chicanes of Spain, and the moſt thoroughly acquainted with the Affairs and preſent Situation of that Nation: Their Re-

Reſentment will prompt them to carry on the War with the utmoſt Vigour, and their Knowledge will direct them how to carry it on with the greateſt Succeſs. Therefore, of all Things, we ought, at preſent, to avoid entering upon an Enquiry into their paſt Conduct, unleſs we are fully convinced of their having been guilty of ſome egregious Weakneſs or groſs Fault; and, if none but thoſe who think ſo will join with the Honourable Gentleman in his Motion, I believe, it will not meet with that Succeſs he ſeems to expect. Anno, 13 Geo. II. 1739.

'A popular Diſcontent or Clamour, when it becomes general, and is entertained by Men of Senſe and Figure, as well as by the Vulgar and Ignorant, is a Misfortune, I ſhall readily grant, Sir, which ought never to be neglected by this Houſe. This is what will never, I believe, admit of a Diſpute amongſt us; but the Diſpute generally is, whether the Diſcontent be general, and by what ſort of People it is entertained; and, in this, moſt Gentlemen without Doors paſs their Judgment according to the Company they keep, and the Place they chiefly reſide in; but this, I am ſure, is far from being a right way of judging within. We are here, Sir, the Repreſentatives of the whole Nation: We are to judge, as the Majority of the Nation ought, and may be ſuppoſed to judge; and, as it is impoſſible for any one Member of this Houſe to know the particular Sentiments of every Man in the Nation, he muſt form to himſelf ſome other Method of judging. The only ſure Method he can, for this Purpoſe, lay down, is, to conſider the Affair in Queſtion, and to ſuppoſe that the Majority of the Nation, at leaſt the Majority of Men of Senſe or Figure, are upon the right Side of the Queſtion. To apply this Rule to the Caſe in hand: We are not to ſuppoſe, much leſs judge, that the Majority of the Nation are diſſatisfied with the late Convention, becauſe we find the Majority of thoſe we converſe with diſſatisfied with it; nor are we to ſuppoſe, that the Majority of the Nation are pleaſed with it, becauſe the Majority of thoſe we converſe with, are ſo; but, we are to conſider the Convention itſelf, with all the Circumſtances attending it, and, if we are from thence convinced, that it was a good Thing at the Time it was made, we ought to ſuppoſe, that moſt Men of Figure and Senſe in the Kingdom approve of it.

'This is the only Method, Sir, by which, as Members of this Houſe, we ought to judge what are the Sentiments of the Majority of the Nation; and according to this Method, I muſt ſuppoſe, that the Majority of the Nation neither were, nor are diſſatisfied with the late Convention between Us and Spain, becauſe, I think, they neither had, nor have any Reaſon to be ſo. His Majeſty was certainly in the

Anno 13, Geo. II. 1739.

right to try all peaceable Methods for bringing the Court of Spain to hear Reaſon, before he reſolved on having Recourſe to Arms: This was the repeated Advice of his Parliament; and, his following this Advice, ſhewed his Regard to the Trade and Happineſs of his Subjects. The Court of Spain had, for ſome Years, amuſed him with Promiſes, and with Proteſtations that they were to ſettle all Diſputes in an amicable manner; and, the beſt way for putting theſe Proteſtations to the Proof, was to bring them to ſome one Point, which muſt neceſſarily be performed in a few Months. The Point fixed on by his Majeſty for this Purpoſe was, their making good the Damages our Merchants had ſuſtained. This they promiſed, by the Convention, to do in a very ſhort time; and, if they had performed this Promiſe, it would have been a good Pledge for their Sincerity in the future Negotiation. If the Convention, Sir, had been a definitive Treaty: If, by ſuch a Treaty, nothing had been obtained but a Reparation for paſt Damages, without any Stipulation for future Security, I ſhall grant, it would have been a bad Treaty. But, as the Convention was deſigned only by way of preliminary, and as immediate Reparation for all paſt Damages was ſtipulated, in order to put the Sincerity of the Spaniſh Court to the Teſt, I muſt ſtill think it was the wiſeſt and the beſt Method we could take, for avoiding the Imputation of involving ourſelves raſhly in War, and, at the ſame time, for preventing its being in the Power of the Court of Spain to amuſe us longer with empty Promiſes or deceitful Proteſtations.

'This is the only true Light, Sir, in which the Convention can be conſidered; and, when I conſider it in this Light, I cannot ſuppoſe, that any impartial Man of Senſe in the Kingdom ever did, or can now find fault with it, or with the Negotiations that preceded it; and as I ſhall always take the Senſe of Parliament to be the Senſe of the Nation, that is to ſay, of the Majority of thoſe whoſe Opinions we ought to regard, this Treaty, and all the previous Negotiations, having met with the Approbation of Parliament, I muſt, from thence likewiſe, conclude that they were, and ſtill are approved by the Majority of thoſe that make any ſort of Figure in their Country. The mere Populace, indeed, in all Countries, are fond of War, becauſe they can loſe nothing, and ſome of them generally make their Fortunes by War; therefore, we ought not to wonder, if they find fault with every Meaſure that is taken for avoiding a War, which, tho' it be their Delight, muſt be allowed to be a public Calamity; and the natural Inclinations of the Populace in this Kingdom, were rouzed and enflamed by our Merchants

Merchants and Seamen who had ſuffered by the Spaniſh Depredations, and who were governed by their private Reſentment, and not by any public Regard for the Good of their Country; but, I hope, it will not be alledged, that a War ought to have been entered into, merely for the ſake of putting an End to ſuch Diſcontents. Beſides, even theſe Diſcontents cannot now be inſiſted on as a good Foundation for an Enquiry, becauſe they are really now at an end. His Majeſty's Declaration of War put a final End to them, as we have often been told, even by thoſe that ſeem to patronize this Motion. An Enquiry, indeed, may, nay, I am convinced, will revive them; becauſe it will be impoſſible to convince Men who judge ſo partially, and, I may ſay, ſelfiſhly, that any Meaſure for preventing the War was right, or that the Adviſers and Conductors of ſuch Meaſures ought not to be puniſhed; and, as I cannot ſuppoſe, that this Houſe will puniſh Gentlemen who ſhall, upon an Enquiry, be found, thro' the whole Tenor of their Conduct, to have had a true Regard to the Intereſt of the Nation in general; I muſt conclude, that the Enquiry propoſed will, probably, end in reviving thoſe ill-grounded popular Clamours, with the additional Misfortune that this Houſe will then ſhare in the ſuppoſed Guilt of our Miniſters and Negotiators. Anno 13, Geo II 1739.

'Thus I have ſhewn, Sir, that a parliamentary Enquiry into our late Negotiations with Spain, would be dangerous, becauſe it would, probably, revive the Diſcontents and Clamours, groundleſly, in my Opinion, raiſed againſt thoſe Negotiations: That ſuch an Enquiry would be prejudicial, becauſe it would interrupt us in the Proſecution of the War; and that it ought neither to be inſiſted on, nor agreed to, by any but thoſe who are fully convinced, that the Gentlemen who were concerned in adviſing and carrying on thoſe Negotiations, were guilty of great Failings and Enormities. As I am none of theſe, after thanking the Honourable Gentleman for the Piece of Advice he was pleaſed to direct, as I imagine, in particular to me, I muſt beg his Pardon for not following his Council. If I were the only Perſon concerned, I ſhould be very ready to take his Advice: I ſhould be ready, and ſhall always be ready to ſubmit any Part of my Conduct to a fair and impartial Enquiry; but, I cannot make ſo free with the Conduct of other Gentlemen. I cannot give my Conſent for ſubjecting them to the Trouble and Danger of a parliamentary Trial, when I do not think there is the leaſt Ground for ſuſpecting their having been guilty of any Fault, and much leſs of any Crime. By a formal Trial, the moſt innocent Man muſt certainly be put to great Trouble, and he muſt always be expoſed to the Danger

Anno 13, Geo II. 1739.

ger of Miſtakes, Miſapprehenſions, or Partialities, on the Part of thoſe that are to be his Judges: We have often heard of innocent Men's being condemned; and therefore, I ſhall never think it juſt in me to give my Vote for expoſing a Man to that Danger, when I am fully convinced of his Innocence.

'With regard to the Precedent upon which the Honourable Gentleman has been pleaſed to found his Motion, it may be a Precedent as to the Forms of Proceeding, but it can be no Precedent as to the Merits of the Caſe. Will any Gentleman ſay, that becauſe we enquired into the Treaty of Utrecht, therefore we ought to enquire into the late Convention between Spain and Us? Is there any Parallel between the two Treaties? Is there any Parallel between the Circumſtances of this Nation, or the Circumſtances of Europe, at theſe two Periods? Is there any Parallel between the Perſons concerned in negotiating theſe two Treaties? Can the Convention be ſuſpected of any ſuch latent Deſign as the Treaty of Utrecht was, ſtrongly, and with great Reaſon, ſuſpected of? I am really ſurprized, Sir, to hear the the Enquiry into the Treaty of Utrecht brought as a Precedent, or an Authority, for what is now propoſed. If it was mentioned as a Proof, that the Parliament has a Right to enquire into any Treaty or public Tranſaction, it was quite needleſs to bring a Precedent or Proof for this Purpoſe, becauſe it is what no Man will now, thank God! deny. But if our having enquired into that Treaty was mentioned as an Argument for our enquiring into this, it is, I think, one of the moſt inconcluſive Arguments that was ever made uſe of in any Debate. The Treaty of Utrecht was a moſt diſhonourable Treaty, at the End of a moſt ſucceſsful War: The Convention was only a Preliminary, or an Attempt to prevent a dangerous War. At the Time of the Treaty of Utrecht, the Circumſtances of Europe were in the moſt happy Situation for this Nation, and our Enemies were, in ſome meaſure, at our Mercy, if we had not entirely confounded this happy State of our Affairs, by deſerting our Allies at that critical Juncture: Whereas, at the Time of the late Convention, the Circumſtances of Europe were in no very happy Situation for us, and, I am ſure, it cannot be ſaid, that thoſe we might then reaſonably expect to be our Enemies, were in any meaſure at our Mercy. The Treaty of Utrecht was concerted, negotiated, and concluded, by thoſe who were known, I may almoſt ſay, declared Enemies to the Proteſtant Eſtabliſhment; and there was a violent Suſpicion, that, in the negociating of that Treaty, there was an underhand Plot for overturning that Eſtabliſhment, and placing the Pretender

Pretender upon the Throne of theſe Kingdoms: Can it be ſaid, that the late Convention was negotiated by ſuch Men? Can it be ſuſpected, that any ſuch Plot was carried on under the Cloak of that Negotiation? Beſides theſe Differences in the two Treaties, and the Circumſtances that attend them, there was a very material Difference in the Approbation the two have met with. The Treaty of Utrecht was, it is true, approved of by Parliament, but it was by a new Parliament, and a Parliament generally compoſed of Men of a different Complexion, that it enquired into and condemned: Whereas the Convention was approved of by this very Parliament; and I cannot think, it would add much to the Credit or Dignity of Parliaments, to ſee a Treaty condemned in one Seſſion, which had been approved of in the very next preceding Seſſion of the ſame Parliament. For my Part, I cannot ſee how any Gentleman can, this Seſſion, vote for an Enquiry into a Treaty, which laſt Seſſion he ſo far approved of, as to adviſe his Majeſty to proceed upon the Footing of that Treaty; for, I hope, no Gentleman will, after what I have ſaid, vote for enquiring into a Treaty which, he thinks, he has no Reaſon to condemn; and therefore, I am convinced, no Gentleman will vote for this Motion, who agreed to the Addreſs, laſt Year, upon our taking the Treaty into our Conſideration. Anno 13, Geo. II. 1739.

'From what I have ſaid, Sir, I hope it is evident, the Enquiry into the Treaty of Utrecht can be no Precedent, or Argument, for what is now propoſed. I have often, indeed, heard Precedents quoted in this Houſe, which, I thought, had very little Relation to the Caſe in hand; but I never heard a Precedent quoted, which I thought leſs *à propos* than the preſent. The Enquiry into the Treaty of Utrecht can no more be brought as a Precedent, or an Argument, for enquiring into the late Convention, than it can be brought as a Precedent, or Argument, for our enquiring into the grand Alliance; therefore, the Honourable Gentleman's Motion muſt reſt entirely upon the Opinion we have of the Gentlemen concerned in adviſing or conducting our late Negotiations with Spain, and upon the Opinion we have of the Fitneſs of the preſent Time for ſetting on foot an Enquiry into their Conduct. As I have a very good Opinion of the Gentlemen concerned: As, I think, there is nothing appears, either from the Convention, or from the Papers already before us, that can in the leaſt impeach their Conduct; and as, I think, this is not a fit Time for enquiring into it if there did, I ſhall, therefore, be againſt the Motion, and, I hope, every Gentleman that thinks as I do, will join with me in putting a Negative upon it.'

George

Anno 13, Geo. II. 1739.

George Lyttleton Eſq;

SIR,

Geo. Lyttleton Eſq;

'I think it my Duty to be warmly for this Enquiry: I think it my Duty, not upon the Principles of a Whig, or of a Tory, but upon a much better Principle than either, a Principle of Love to my Country, ſuperior infinitely to any Party-Names or Diſtinctions. But I am not in the leaſt ſurprized, that ſome Gentlemen ſhould be very unwilling we ſhould look back to the Tranſactions that preceded the War: Tranſactions, which, for the Honour of the Nation, one ought to wiſh might ſink in Oblivion, if, while we are ſmarting with the Effects, it was poſſible for us not to remember the Cauſe; and, indeed, I believe, that ſuch a Retroſpect would be painful enough to us all; for who can be eaſy, that conſiders from what a Precipice we lately eſcaped, and that thoſe who drove ſo near to it, have the Reins ſtill in their Hands? But unpleaſant as it is to look back, it is the proper Buſineſs of Parliament: It is our Duty to look back, that we may know the better how to look forwards, that we may underſtand the full Merit of our Miniſter's Services, and ſuit our Expectations of the future, to our Senſe of the paſt.

'It has been ſaid, that this Treaty, we wou'd enquire into, has been approved by this Parliament. Sir, I will be bold to ſay, it has been condemned in Effect by the King himſelf, and by the whole Legiſlature. I will be bold to ſay, there is not one Word in his Majeſty's Declaration of War, not one Word in any Reſolution, in any Addreſs, or in any Act of Parliament for ſupporting the War, that is not directly oppoſite to the Principle upon which the Convention was built, upon which all our Meaſures, all our Negotiations were founded, as long as the Genius of our Miniſters prevailed over the Spirit and Senſe of the Nation. Sir, the Principle of the War is to conſider our Right, Not to be ſearched, as an indubitable Claim, that will not admit of any Diſcuſſion; The Principle of all theſe Negotiations, and of the Convention itſelf, was to conſider it as a Matter that required to be diſcuſſed, and to be regulated; and would to God, Sir, we had gone no farther in the Courſe of thoſe able Negotiations: But it is a melancholy Truth, which can be proved from Papers now on your Table, that for many Years together, there was hardly a Letter written by our Miniſters, a Demand made by them, or a Plan of Accommodation propoſed, or accepted, which did not evidently tend to weaken our own Right, and ſtrengthen our Enemy's, by ſome new miſtaken Conception

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in their unwarrantable, groundleſs Pretenſions. Nay, ſo late as in December 1737, we contended with our whole Strength, that the Regulations laid down in the Treaty of 1667, with regard to ſearching in the Seas of Europe for contraband Goods, ſhould be deemed to extend to America, and obſerved there, in ſearching our Ships. What a Condition had we been in, how groſly entrap'd by our own aſtoniſhing Ignorance, if Spain had taken us at our Word, and allowed the Demand! With what Grace, after that, could we have preſumed to talk of no Search? But luckily for us, the Spaniſh Miniſter ſerved us a great deal better than our own: He was ſo good to teach us, how to underſtand our own Treaties; and ſo, at laſt, we ſaw our Error, and ſet the Diſpute on its proper Foundation. Are not theſe, Matters that deſerve to be look'd into a little more cloſely? Is not here, Buſineſs ſufficient to employ a ſecret Committee? Anno 13 Geo. II. 1739.

'Sir, is it enough for a Miniſtry to declare themſelves honeſt, and wiſe; and are we to take their Words for it, againſt ſuch terrible Grounds of Suſpicion? Sir, I own myſelf very unfit to judge for Gentlemen in an Adminiſtration; but, if I could form any Judgment, how they ought to conduct themſelves, I ſhould think, the throwing out daily Defiances to find any Fault with them, and then denying all Means of Enquiry, muſt be very bad Policy; becauſe, it is ſo far from looking like Innocence, that it gives the ſtrongeſt Suſpicion of Guilt. When K. Charles I. told the Commons, (who were preparing Complaints againſt Buckingham) That he would not allow any of his Servants to be queſtioned in Parliament, he ſpoke the Language of deſpotic Power, and ſuch as this Houſe would never endure. But if, inſtead of ſpeaking ſo openly, he had a little ſoftned his Stile, confeſſed their Right to queſtion his Servants, but at the ſame Time denied them the Means: If Buckingham himſelf had challenged them to examine his Conduct, or the Conduct of thoſe who acted by his Inſtructions, and under his Orders; and then refuſed them the Sight of thoſe Inſtructions, and the regular Methods, according to the Uſage of Parliament, of examining into thoſe Orders; the Appearance, indeed, would have been fairer, but the Proceeding itſelf would have been equally dangerous, equally fatal to the Rights of this Houſe.

'Sir, that Parliament would not have borne it; for it was compoſed of ſuch Men, as had no Influence upon them, to abate the Spirit and Zeal with which they proceeded to enquire into, and puniſh Mal-adminiſtration: Such Men, at their firſt Meeting, before they would give one Penny

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of Money, to ſupport the King in a War with Spain, which had been begun at the Deſire of Parliament, appointed a Committee to conſider of ſecret Affairs, and another Committee for Grievances. You will find them upon their Journals: The Miſemployment of the public Treaſure; and the Diſhonour brought upon the Nation. Theſe they reſolved to enquire into before they voted any Supply, without apprehending any Reproach of Want of Zeal for the King, or the War; but that they might know the true State of the Nation, and carry on the War with more Chearfulneſs, when Juſtice was done upon thoſe who had involved them in ſo many Difficulties. The ſame Parliament declared, and it ſtands uncontroverted yet upon your Journals, 'That common Fame is a good Ground 'of proceeding for this Houſe, either by Enquiry, or, if 'the Houſe find Cauſe, by Impeachment.' Accordingly, Queries were drawn up, to enquire into the Conduct of Buckingham, which were afterwards turned into Articles of Impeachment againſt him, and the King, to ſave his Miniſter, had no other Way than diſſolving that Parliament; for the Art of ſoftning them by Corruption was not in uſe in thoſe Days.

'Sir, I hope, I have not miſpent your Time in calling back to your Memory the Proceedings of a former Houſe of Commons, which deſerve, I think, the greateſt Reſpect, and are mentioned with Reverence by the moſt impartial Hiſtorians. How Hiſtory will mention ours, I wiſh, we may think worth our Concern; but how the Nation will judge of them now, I am ſure, we ought to conſider. Sir, if a King has loſt the Eſteem and the Hearts of his People, the Interpoſition of Parliament may awaken him to a Senſe of his Error, and by healing Counſels, reconcile, and reſtore them again; but if Parliaments themſelves act ſo as to loſe their own Dignity, and, by Conſequence, the Eſteem and Love of the People, who ſhall then interpoſe, or what Mediator is left? It is ſuch an Evil as admits of no Remedy: It is the worſt Misfortune that can ever befal a free Government.

'To have approved the Convention; to have rejected a Motion; to have rejected a Motion for laying before Parliament, the Inſtructions of the Miniſter, who concluded, and ſigned that Convention; and then to deny the Means of examining into thoſe Negotiations, upon which Spain grounds thoſe very Pretenſions, that we are fighting now to deſtroy, will certainly do us great Honour in the Opinion of thoſe, who are this Year to pay Four Millions for ſupporting the War. What they will think of all this, I do

not

not know; but, I am apt to believe, they will never think about it, without having it at the ſame Time in their Thoughts, that the ſame Houſe of Commons has three Times rejected the Place-Bill.

After ſeveral Hours Debate the Motion paſſed in the Negative, Ayes 196. Noes 247.

The 22d. Read a ſecond Time a Bill for better Preſervation of Salmon and Trout Fiſheries.

Read a ſecond Time a Bill for Naturalizing Madam Wallmoden.

The 25th. Read a firſt Time a Bill for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters.

Read a third Time and paſſed the Bill for Naturalizing Amalie Sophie de Wallmoden.

Read a ſecond Time a Bill for the further and more effectually preventing the wilful and malicious Deſtruction of Collieries and Coal Works.

Read a ſecond Time a Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament.

Read a ſecond Time a Bill for the more eaſy and effectual Recovery of ſmall Debts.

The 26th. Read a firſt Time a Bill for making more effectual the Laws now in being, for diſabling Perſons from being choſen Members of, or ſitting or voting in the Houſe of Commons, who have any Penſion during Pleaſure, &c.

199,704 l. granted for the Ordinary of the Navy.

Agreed to the Report of Yeſterday's Reſolution on the Supply, viz. Reſolved, That 199,704 *l.* 8 *s.* 3*d.* be granted for the Ordinary of the Navy (including Half Pay to Sea Officers) for 1740.

A Motion relating to Miſapplication of public Money over-rul'd.

It was moved, and the Queſtion being put, That to apply towards defraying the ordinary Charges of the Navy, or to any Head contain'd in the ordinary Eſtimate thereof, any Sum of public Money, exceeding the Sum granted by Parliament for that purpoſe, is a Miſapplication, and ought to be prevented; it paſſed in the Negative.

The 27th. Read a ſecond time the Mutiny-Bill.

Alſo a ſecond time the Bill to grant further Powers to the Commiſſioners of Weſtminſter-Bridge, &c.

The 28th. Received his Majeſty's Anſwer to their Addreſs, that he would give Directions to the proper Officers to lay before this Houſe an Eſtimate of what may be neceſſary for the Rebuildings and Repairs of his Majeſty's Ships for 1740.

The 29th. Received the Report of the Committee appointed to enquire what Laws are expired or near expiring, &c.

Anno 12, Geo II. 1739.

Read a ſecond Time a Bill for making more effectual the Laws now in being, for diſabling Perſons from being choſen Members of, or ſitting or voting in the Houſe of Commons, who have any Penſion during Pleaſure, &c.

Read a ſecond Time a Bill for explaining and amending an Act 9 Q. Anne for ſecuring the Freedom of Parliaments, by the farther qualifying the Members to ſit in the Houſe of Commons.

In a grand Committee went thro' the Bill for puniſhing Mutiny and Deſertion.

March 3. The Houſe reſolved itſelf into a Committee, to conſider of Heads for a Bill for the further and better Encouragement of Seamen to enter voluntarily into his Majeſty's Service. And Reſolved, that a Voluntary Regiſter of Seamen will be of great Utility to this Kingdom.

The 4th. In a grand Committee went thro' the Bill for diſabling Perſons, who have any Penſion during Pleaſure, &c. from ſitting or voting in the Houſe of Commons.

Agreed to the Report of the Mutiny-Bill, and ordered it to be engroſſed.

Deferr'd going into a Committee on the Bill for the better Preſervation of Salmon and Trout Fiſheries, till this Day ſix Weeks.

The 5th. Agreed to the Report of the Bill for Diſabling Perſons from ſitting or voting in the Houſe of Commons, who have any Penſion during Pleaſure, &c. and ordered it, with the Amendments, to be engroſſed.

Ordered an humble Addreſs to his Majeſty for a Copy of the Memorial and Petition of the Lord Mayor and Aldermen of London, preſented to his Majeſty upon the Order they received for ſettling the Price of Coals, &c.

The 6th. Ordered a new Writ to be iſſued out, for electing a Member to ſerve in Parliament for the Town of Berwick upon Tweed, in the room of the Right Honourable Hugh Hume Campbell Eſq; commonly called Lord Polwarth, now Earl of Marchmont, a Peer of Great Britain.

Meſſage relating to the Marriage of the Princeſs Mary.

The Houſe received a Meſſage ſigned by his Majeſty, ſignifying, that his Majeſty having received Propoſals, for a Marriage between the Princeſs Mary and Prince Frederic of Heſſe, Son of Prince William, Landgrave of Heſſe, Brother to the King of Sweden, has been pleaſed favourably to accept and agree to the ſame, and has thought proper to communicate his Intentions to this Houſe; and as his Majeſty can make no Doubt, but that this Alliance with ſo conſiderable a Proteſtant Family, will be to the general Satisfaction of all his good Subjects, he promiſes himſelf

the

the Concurrence and Aſſiſtance of this Houſe, in enabling him to give ſuch a Portion to his Daughter, as may be ſuitable to the Honour and Dignity of his Crown and Family. Anno 13, Geo. II. 1739.

Reſolved, Nemine Contradicente, That an humble Addreſs be preſented to his Majeſty, to return him Thanks, for communicating the intended Marriage to this Houſe, and to aſſure his Majeſty that they will enter into the immediate Conſideration of this important Affair, in ſuch a Manner, as ſhall demonſtrate the Zeal, Duty and Affection of this Houſe to his Majeſty, and a juſt Regard to the Honour and Dignity of his Royal Family. Vote thereon.

And the ſaid Meſſage was referred to the Committee on the Supply.

Read a third Time, and paſſed the Bill for puniſhing Mutiny and Deſertion, &c.

In a grand Committee went thro' the Bill to prevent the exceſſive Increaſe of Horſe-Races, with ſeveral Amendments.

The 7th. Received the Report of his Majeſty's Anſwer to their Addreſs of Thanks, for his moſt gracious Communication of the intended Marriage, &c. viz. "Gentlemen, "I give you my Thanks for this dutiful and affectionate Ad- "dreſs, and look upon it as a further Inſtance of the Per- "ſonal Regard you have ever ſhewn to Me and My Family." Kings Anſwer

Reported the Bill to reſtrain and prevent the exceſſive Increaſe of Horſe-Races, and ordered it to be engroſſed, on a Diviſion, Ayes 47, Noes 25.

The 10th. Agreed to the Report of the Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, &c. with ſeveral Amendments, and ordered it to be engroſſed.

Agreed to the Report of laſt Friday's Reſolution, in a Committee on the Supply, viz. Reſolved, that the Sum of Forty Thouſand Pounds be granted to his Majeſty for the Marriage Portion of the Princeſs Mary, one of his Majeſty's Daughters. 40,000l. granted for her Highneſſes Portion.

Read a firſt Time a Bill for remedying ſome Defects in an Act 43 of Q. Elizabeth for the Relief of the Poor; and in one other Act 9 K. George I. for amending the Laws relating to the Settlement, Employment and Relief of the Poor; and for making the ſaid Acts more effectual.

Read a firſt Time a Bill to continue ſeveral Laws therein mentioned, for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways, or Locks, erected by Authority of Parliament; for making Rivers navigable, &c. for preventing frivolous and

Anno 13, Geo II. 1739.

and vexatious Arreſts; and for better ſecuring the lawful Trade of his Majeſty's Subjects to and from the Eaſt Indies, and for preventing their trading under foreign Commiſſions; for limiting the Time for ſuing forth Writs of *Certiorari* upon Proceedings before Juſtices of the Peace, &c. for the better and more ſpeedy Execution of Proceſs within particular Franchiſes or Liberties; and for extending the Powers and Authorities of Juſtices of the Peace of Counties, touching County-Rates, to the Juſtices as have Commiſſions of Peace within themſelves.

Penſion-Bill paſſed.

Read a third time, and paſſed the Bill for making more effectual the Laws now in being, for diſabling Perſons from being choſen Members of, or ſitting or voting in the Houſe of Commons, who have any Penſion during Pleaſure, or for any Number of Years, or any Offices held in Truſt for them.

Paſſed alſo an engroſſed Bill to reſtrain and prevent the exceſſive Increaſe of Horſe-Races, and for amending an Act paſſed laſt Seſſion, for the more effectual preventing exceſſive and deceitful Gaming.

Paſſed alſo a Bill for the more effectual improving the Navigation of the River Dun, in the County of York.

Agreed to the Report of Yeſterday's Reſolutions on Ways and Means, viz. Reſolved, that 21,000l. 1s. 8d. be iſſued and applied towards raiſing the Supply, being the Remainder in the Exchequer of Money ariſing by Sale of Lands in St. Chriſtophers.

The 12th. Read a firſt time, a Bill for providing a Marriage-Portion for the Princeſs Mary.

Read a third time, and paſſed the Bill for the further and more effectually preventing the wilful and malicious Deſtruction of Collieries and Coal-Works.

In a grand Committee, went thro' the Bill for granting to his Majeſty 1,200,000l. out of the Sinking Fund, and the growing Produce thereof.

The 13th. Read a ſecond time, the Bill for providing a Marriage-Portion for the Princeſs Mary.

Read a firſt time, a Bill to prevent colluſive Qualifications of Perſons to vote as Freeholders at Elections.

Agreed to the Report of the Sinking-Fund Bill, and ordered it to be engroſſed.

Read a third time, and paſſed the Bill for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament.

In a grand Committee went thro' the Bill for granting further Powers to the Commiſſioners of Weſtminſter Bridge, &c.

The

The 14th. Read a ſecond time, a Bill for puniſhing ſuch Perſons as ſhall wilfully pull down or deſtroy Turnpikes, &c. &c. &c. Anno 13, Geo II. 1739.

In a grand Committee went thro' the Bill for providing a Marriage-Portion for the Princeſs Mary, with Amendments.

Read a firſt time, a Bill for the Increaſe of Mariners and Seamen to navigate Merchant-Ships, and other Trading-Ships or Veſſels.

The 15th. Agreed to the Report of the Bill for providing a Marriage-Portion for the Princeſs Mary.

Read a ſecond Time a Bill for remedying ſome Defects in an Act 43 of Queen Elizabeth, for Relief of the Poor, and in one other Act 9 King George I. for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, and for making them more effectual.

Reſolved, That it be an Inſtruction to the ſaid Committee, that they receive a Clauſe to direct the Inhabitants of every Townſhip, Village, or Place, who have been rated, and have paid towards the Relief of the Poor, the Year preceding, to elect annually double the Number of Perſons they ſhall judge neceſſary to be appointed Overſeers of the Poor for ſuch Pariſh, &c. and to return their Names to the Juſtices of the Peace, &c. to nominate and appoint one half of the Perſons ſo returned to them, to ſerve as Overſeers of the Poor for each Pariſh, &c.

Agreed to the Report of the Bill for granting further Powers to the Commiſſioners of Weſtminſter-Bridge.

Received a Meſſage from the Lords, that they had agreed upon an Addreſs to his Majeſty, to which the Lords deſire the Concurrence of this Houſe.

The ſaid Addreſs was read, and with an Amendment agreed to by the Houſe, *Nemine Contradicente*; and the Blank therein was filled up with the Word *Commons*. Then the ſaid Addreſs was ordered back to the Lords. And about half an Hour after, a Meſſage was ſent from the Lords to acquaint this Houſe, that the Lords have agreed to the ſaid Amendment.

Went into a grand Committee on the Bill to explain and amend an Act 9 Queen Anne, for ſecuring the Freedom of Parliaments by the farther qualifying Members to ſit in the Houſe of Commons. And dropt the ſame *ſine Die*. Bill for ſecuring the Freedom of Parliaments, &c. dropped.

The 16th. Read a third time, and paſſed the Bill for granting 40,000l. Portion to the Princeſs Mary.

Read a ſecond time, a Bill for the better and more eaſy collecting of Charity-Money upon Briefs.

Read

Anno 13, Geo II. 1739.

Read a ſecond time, the Bill to prevent colluſive Qualifications of Perſons to vote as Freeholders at Elections.

Then both Houſes went with the following Addreſs to his Majeſty, viz.

Addreſs on the taking Porto-Bello.

Moſt Gracious Sovereign,

" We your Majeſty's moſt dutiful and loyal Subjects, the " Lords Spiritual and Temporal, and Commons in Parliament " aſſembled, do congratulate your Majeſty on the " glorious Succeſs of your Majeſty's Arms in the Weſt-" Indies, under the Command of Vice-Admiral Vernon, " by entering the Port, and taking the Town of Porto-" Bello, and demoliſhing and levelling all the Forts and " Caſtles belonging thereto, *with ſix Men of War only* *.

" This Enterprize, ſo wiſely concerted, and ſo bravely " conducted, cannot fail of giving the utmoſt Joy to all your " Majeſty's faithful Subjects, ſince it affords the moſt rea-" ſonable Hopes and Expectations, that, by the Bleſſing of " God upon your Majeſty's Councils and Arms, it may be " attended with other important Advantages, and highly " contribute to the obtaining real and effectual Security of " thoſe juſt Rights of Navigation and Commerce, belong-" ing to your Majeſty's Subjects, for the Preſervation of " which your Majeſty entered into this neceſſary War."

To which his Majeſty anſwered.

My Lords and Gentlemen,

" I thank you for your dutiful Congratulations on this " Succeſs, which is ſo much for the Honour and Intereſt of " my Crown and Kingdoms. The Satisfaction you expreſs " in the Meaſures I have taken, is very agreeable to me."

The 14th. Agreed to the Report of the Bill to continue ſeveral Laws therein mentioned; for puniſhing ſuch Perſons as ſhall wilfully deſtroy Turnpikes, &c. &c.

Read a ſecond time, the Bill for the Increaſe of Mariners and Seamen to navigate Merchant-Ships, and other Trading-Ships or Veſſels.

Read a firſt time, a Bill for qualifying Perſons acting as Truſtees for repairing the Highways, &c. Mr.

* *This Addreſs was ſent down by the Lords to the Commons, without thoſe* ſix Words. *And Mr. Pulteney moved for and inſiſted upon that Amendment, becauſe Admiral Vernon had declared, when he ſat in that Houſe in the preceding Parliament, that he would engage to take Porto Bello with* ſix *Men of War only. And that as he had been as good as his Word, they could not do him too much Honour, &c. After ſome Debate, the Amendment was agreed to, on a Diviſion, Ayes* 34, *Noes* 31.

Mr. Speaker reported, that the Houſe had attended his Majeſty in the Houſe of Peers; where his Majeſty was pleaſed to give the Royal Aſſent to

Anno 13, Geo. II. 1739.

An Act for providing a Marriage-Portion for the Princeſs Mary.

Royal Aſſent given to ſeveral Acts.

An Act for the more effectual ſecuring and encouraging the Trade of his Majeſty's Britiſh Subjects to America, &c.

An Act for puniſhing Mutiny and Deſertion, &c.

An Act to explain and amend an Act 1 of Queen Anne, for the more effectual preventing of Abuſes and Frauds of Perſons employed in the working up the Woollen, Linnen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom; and for extending the ſaid Act to the Manufactures of Leather.

An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, &c.

An Act for repairing Hockliffe Road.

An Act for improving the Navigation of the River Dun.

An Act for naturalizing Amelia Sophie de Walmoden.

An Act for naturalizing ſuch foreign Proteſtants, &c. as are ſettled, or ſhall ſettle in any of his Majeſty's Colonies in America. And to eight other Acts.

The 20th. In a grand Committee went thro' the Bill to prevent colluſive Qualifications of Perſons to vote as Freeholders at Elections, &c. with ſeveral Amendments.

The Houſe, according to Order, took into Conſideration the Liſts of the Protections and written Certificates entered in the ſeveral Offices of London and Middleſex, &c. And ſeveral of the ſaid Returns were read. And the ſtanding Order of the Houſe, made the 31ſt of January, 1718.

Votes relating to Protections

'That all Protections and written Certificates of the Members of this Houſe be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and that, if any ſhall be granted by any Member, ſuch Member ſhall make Satisfaction to the Party injured, and ſhall be liable to the Cenſure of this Houſe.'

Ordered, *Nemine Contradicente*, That the ſaid ſtanding Order be forthwith reprinted and publiſhed, &c.

The 21ſt. Agreed to the Report of the Bill to prevent colluſive Qualifications of Perſons to vote as Freeholders at Elections, &c.

Read a third time, and paſſed the Bill to continue ſeveral Laws therein mentioned, &c.

Mr. Alderman Willimott reported from the Committee of the whole Houſe, who were appointed to conſider of

Anno 12, Geo II. 1739.

Methods, for the better accommodating the Cities of London and Weſtminſter with Coals, the following Reſolution: viz. Reſolved,

That it appears to this Committee, that the high Duties of 3s. 4d. per cuſtomary Ton, to be paid to the Proprietors of the Navigation of the River Dun, for Coals coming down that River, in order to be ſhipped for Sea, has been one great Impediment to Coals coming down that River, and the Cauſe of the Duties having produced nothing.

A Motion for a Liſt of Cruizers over-rul'd

A Motion was made, and the Queſtion being put, that the Commiſſioners for executing the Office of Lord High Admiral of Great Britain, do lay before this Houſe, a Liſt of ſuch of his Majeſty's Ships of War, as have been employed as Cruiſers, for the Protection of the Trade of this Kingdom on this Side Cape Finiſterre, ſince the 10th of July laſt, diſtinguiſhing the Time each Ship was ordered to remain, and the Time ſuch Ship did actually remain on ſuch Cruiſe, together with the Reaſons of her returning to any Port of this Kingdom: After ſome Debate, it paſſed in the Negative, on a Diviſion, Ayes 97, Noes 145.

The 24th. Read a third time, and paſſed the Bill to give further Powers to the Commiſſioners for building Weſtminſter Bridge, and to enable them to raiſe a further Sum of Money towards finiſhing the ſaid Bridge, and to perform other Truſts repoſed in them.

Paſſed alſo the Bill for granting to his Majeſty, 1,200,000l. out of the Sinking-Fund, and the growing Produce thereof; and for granting the Sum of 21,000l. remaining in the Receipt of his Majeſty's Exchequer, ariſen by Sale of Lands in the Iſland of St. Kits; and for the further appropriating the Supplies granted in this Seſſion of Parliament.

Addreſs for a proper Number of Cruiſers.

Reſolved, That an humble Addreſs be preſented to his Majeſty, that he would be pleaſed to direct, that, over and above the Ships of War, he ſhall think fit to employ againſt the Enemy, ſuch a Number of Ships may be appointed to cruiſe in proper Stations for the effectual Security and Protection of our Trade, as ſhall be conſiſtent with the Defence and Protection of his Majeſty's Dominions, and the ſafe convoying the Trading-Ships of this Nation to and from foreign Parts.

Read a third time, and paſſed the Bill for more effectual preventing fraudulent Qualifications of Perſons to vote as Freeholders at Elections, &c.

King's Anſwer

Received the Report of his Majeſty's Anſwer to their Addreſs of Yeſterday, viz. "All poſſible Care has been "taken in carrying on the War againſt Spain in the moſt "proper and effectual manner, and at the ſame time for protecting

" tecting the Trade of my Subjects; and you may be af-
" ſured, that the ſame Care ſhall be continued."

A Conference with the Lords on the Bill for prohibiting Commerce with Spain.

The Amendments made by the Lords to the Bill for prohibiting Commerce with Spain, were taken into Conſideration, ſome of which were agreed to, and others diſagreed to. And a Committee was appointed to draw up Reaſons to be offered to the Lords, at a Conference, why ſome of the Amendments were diſagreed to.

In a grand Committee went thro' the Bill for the Increaſe of Mariners and Seamen, &c, with Amendments.

The 26th. Agreed to the Report of the Bill for the Increaſe of Mariners and Seamen, and ordered it to be engroſſed.

The 27th. Agreed to the Report of the ſeveral Reſolutions in a Committee on Ways and Means relating to the Encouragement of the Greenland and Whale-Fiſhery. And ordered in a Bill accordingly.

Read a third time, and paſſed the Bill for Increaſe of Mariners and Seamen, to navigate Merchant-Ships, and other Trading-Ships or Veſſels.

A Meſſage was ſent to the Lords to deſire a Conference upon the Amendments made to the Bill for prohibiting Commerce with Spain, and their Lordſhips agreed to the ſame, and appointed To-morrow at two o'Clock.

The 28th. Read a firſt time, a Bill for Relief of Debtors, with reſpect to the Impriſonment of their Perſons.

The Bill left with the Lords

Mr. Walpole reported that the Managers had been at the Conference with the Lords, and delivered the Reaſons for diſagreeing to ſome of the Amendments made to the Bill for prohibiting Commerce with Spain: And had left the Bill and Amendments with their Lordſhips.

Received divers Accounts from the Commiſſioners for Trade and Plantations, in purſuance of two Addreſſes to his Majeſty on the 13th of June 1739, (concerning the Paper Currency, and the Rates of Gold and Silver in America, from 1700 to this preſent Year) together with the Return ſent to the ſaid Commiſſioners from the reſpective Governors of his Majeſty's Plantations thereupon, and together with a Liſt of the ſaid Returns.

Reſolved, That this Houſe will, upon this Day Month, reſolve itſelf into a Committee of the whole Houſe, to conſider further of the Bill for remedying ſome Defects in an Act 43 Queen Elizabeth, and in one other Act 9 King George I. for Relief of the Poor.

Merchants Petition relating to the Embargo.

A Petition of divers Merchants, Exporters of the Woollen and Britiſh Manufactures and Fiſheries, &c. was read; ſetting

Anno 13, Geo II. 1739.

ſetting forth the great Loſſes which they ſuſtain by the laying on a general Embargo, &c. and praying Relief.

Diviſion thereon.

A Motion was made and the Queſtion put, That the ſaid Petition be referred to the Conſideration of a Committee of the whole Houſe, and that the Petitioners, if they think fit, be heard by themſelves, &c. it paſſed in the Negative. On a Diviſion, Ayes 95, Noes 166.

The 31ſt. Read a firſt time, a Bill to empower the Court of Aldermen to fix a Price on Coals.

Read a firſt time, a Bill for better Preſervation of his Majeſty's Woods in America, &c.

April 1. The Houſe reſolved itſelf into a Committee, to conſider of an Act made the laſt Seſſion, for taking off the Duties upon Woollen and Bay-Yarn, imported from Ireland to England, and for the more effectual preventing the Exportation of Wool from Great Britain and Ireland to foreign Parts. Moved that the ſaid Act be repealed, which after Debate was rejected.

Read a ſecond time, a Bill for better Preſervation of his Majeſty's Woods in America, &c.

Read a ſecond time, and committed a Bill for reducing an Act 2 of King George II. and an Act 3 King George II. for Relief of Debtors, with reſpect to the Impriſonment of their Perſons, into one Act, and for explaining and amending the ſaid Acts.

Ordered, That the Committee have Power to receive a Clauſe or Clauſes for the Relief of ſuch Perſons being Debtors, who were actually beyond the Seas on the firſt of January 1736, and who by unavoidable Accidents were deprived of taking the Benefit of an Act 10 King George II. for Relief of inſolvent Debtors.

Read a ſecond time, the Bill to empower the Lord Mayor and Aldermen, to ſet the Price upon all Coals imported into London.

In a grand Committee went thro' the Bill for the better and more eaſy collecting of Charity-Money on Briefs, and ordered the Report on the 11th Inſtant; on a Diviſion, Ayes 46, Noes 21. Adjourned to the 10th Inſtant.

Addreſs relating to the American Currency.

The 10th. Reſolved, That an humble Addreſs be preſented to his Majeſty, that he will be graciouſly pleaſed to give Directions, that there may be laid before this Houſe, Copies of the Inſtructions to the ſeveral Governors of the Britiſh Plantations in America, whereby they are directed to obſerve and put in Execution an Act 6 Queen Anne, for aſcertaining the Rates of the foreign Coins in America; and alſo relating to their not giving their Aſſent to any Acts of Aſſembly for the ſtriking and iſſuing any Paper-Bills of Credit

Credit in lieu of Money; and likewiſe relating to the paſſing any Bill, or Bills, whereby the Trade or Navigation of this Kingdom may be any ways affected. Anno 13, Geo II. 1739.

In a grand Committee went thro' the Bill for better Preſervation of his Majeſty's Woods in America, and for the Encouragement of the Importation of Naval Stores from thence, and for granting a further Bounty upon all Ships employ'd in the Whale-Fiſhery.

Agreed to the Report of the Bill for the more eaſy collecting of Charity-Money on Briefs. Ordered it to be engroſſed.

The 14th. Agreed to the Report of the Bill for better Preſervation of his Majeſty's Wood in America, &c. Ordered it to be engroſſed.

The 15th. Paſſed the Bill for continuing ſeveral Laws therein mentioned relating to the Premiums upon the Importation of Maſts, Yards and Bowſprits, Tar, &c. and for granting a further Bounty upon all Ships employed in the Whale-Fiſhery.

Received an Account of the Riſe and Progreſs of the Paper-Bills of Credit in South Carolina from 1700 to this preſent time, together with the Computed Value of Money of Great Britain at the Times of creating and iſſuing the ſame, &c. and ſeveral other Accounts relating thereto.

Agreed to the Report of the Bill for confirming and enlarging the Powers granted to the Governors and Guardians of the Hoſpital for the Maintenance of expoſed and deſerted young Children, by his Majeſty's Charter, bearing Date the 17th of October 1739, and to enable them to execute the good Purpoſes of the ſaid Charter, with the Amendments.

The 16th. Paſſed the Bill for enlarging the Powers of the Governors of the Hoſpital for expoſed and deſerted young Children, with the Amendments; and ordered it to the Lords.

Received five Petitions praying to be heard by themſelves or Counſel, againſt the Bill for ſettling the Prices of Coals, and Leave was given accordingly.

Read a ſecond Time a Bill for the public-regiſtring of Deeds, Conveyances, &c. and committed it, on a Diviſion, Ayes 62, Noes 40.

The 17th. Agreed to the Amendments made by the Lords to the Bill for enforcing the Laws relating to the Rogues, Vagabonds, and other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament.

Took into Conſideration the Amendments made by the Lords

Anno 13, Geo II. 1739.

Lords to the Bill for prohibiting Commerce with Spain, and diſagreed to one Amendment.

Ordered, that Mr. Secretary at War do go to the Lords, and deſire a free Conference thereupon.

The 18th. Read a third Time and paſſed the Bill for the more eaſy collecting of Charity-Money on Briefs. On a Diviſion, Ayes 85, Noes 76.

In a Committee made a Progreſs on the Bill for ſettling the Prices of Coals, and to proceed on Monday; Ayes 45. Noes 38.

The 21ſt. Read a ſecond Time a Bill to obviate certain Doubts, how far Perſons acting under certain Charters from the Crown, or other Powers, are obliged to qualify themſelves, by taking and ſubſcribing the ſeveral Oaths and Teſts eſtabliſhed by the ſeveral Statutes now in force for thoſe Purpoſes.

In a grand Committee, made a Progreſs on the Bill for public-regiſtring of Deeds, Conveyances, &c. when it was moved that all ſuch Writings ſhould be regiſtred with the Clerks of the Peace in each County, which paſſed in the Negative, on a Diviſion, Ayes 91, Noes 122, to proceed to-morrow.

The 22d. The Managers went to hold a free Conference with the Lords on the Bill for prohibiting Commerce with Spain, and having waited there three quarters of an hour, and the Lords not coming to the ſaid free Conference, the Managers thought it their Duty to ſtay no longer.

Houſe adjourned on a Diſguſt conceived againſt the Lords.

The Houſe thereupon adjourn'd itſelf in ſome diſguſt, without taking any Notice of the Orders of the Day, which were accordingly dropt, but were revived the next.

The 23d. The Managers went to a free Conference with the Lords, and being returned, the ſame was reported to the Houſe.

The 24th. In a Committee, took into Conſideration the ſeveral Papers relating to the Paper Currency, and the Rates of Gold and Silver in America, from 1700 to this Time. And came to ſeveral Reſolutions on the ſame,

In a Committee went thro' the Bill to empower the Court of Lord Mayor and Aldermen to ſet the Price of Sea-Coals imported into London.

Agreed to the Report of the Bill to impower the Court of Lord Mayor and Aldermen of the City of London, to ſet the Price of Sea Coals imported, &c. And ordered it to be ingroſſed.

Ordered ſeveral Addreſſes to be preſented to his Majeſty concerning the Paper Currency in America.

Went into a Committee on the Bill for obviating certain Doubts

Doubts concerning Perſons taking the Oaths. Moved that the Chairman do leave the Chair, which after Debate paſſed in the Affirmative; on a Diviſion, Ayes 79, Noes 61. Anno 13, Geo. II. 1739.

The Bill for public-regiſtring of Deeds, Conveyances, &c. was dropt by Agreement.

The 28th, Read a third Time, and paſſed the Bill to impower the Lord Mayor and Aldermen to ſet the Price upon all Coals imported into London, and ordered it to the Lords; on a Diviſion, Ayes 56, Noes 32.

The 29th. His Majeſty came to the Houſe of Peers, and gave the Royal Aſſent to the following public Bills, viz. Royal Aſſent given to ſeveral Acts.

An Act for granting One Million two hundred thouſand Pounds, out of the Sinking-Fund, and growing Produce thereof. And for granting the Sum of Twenty one thouſand Pounds one Shilling and eight Pence half-penny, remaining in the Exchequer, ariſen by Sale of Lands in St. Chriſtopher's.

An Act for continuing the ſeveral Laws therein mentioned relating to the Premiums upon the Importation of Maſts, Yards and Bowſprits, Tar, Pitch and Turpentine; to Britiſh-made Sail-Cloth, to the Greenland and Whale Fiſhery: For granting a farther Bounty for all Ships employed in the Whale Fiſhery during the preſent War, &c. &c.

An Act for prohibiting Commerce with Spain.

An Act for enforcing the Laws againſt Rogues, Vagabonds, &c. and for reducing the ſame into one Act of Parliament.

An Act to reſtrain the exceſſive Increaſe of Horſe-Races; and for amending an Act for preventing of exceſſive and deceitful Gaming.

An Act for preventing the malicious Deſtruction of Collieries and Coal-Works.

An Act to continue ſeveral Laws therein mentioned, &c. &c.

An Act for the Increaſe of Mariners and Seamen to navigate Merchant Ships.

An Act to prevent fraudulent Qualifications of Perſons to vote as Freeholders at Elections.

An Act for confirming and enlarging the Powers of the Governors and Guardians of the Founding Hoſpital.

An Act to grant further Powers to the Commiſſioners of Weſtminſter Bridge.

And to Six other public, and Eleven private Acts.

After which his Majeſty was pleaſed to make a moſt gracious Speech from the Throne, ſignifying, That the Zeal Abſtract of the King's Speech.

Anno 13, Geo II. 1739.

Zeal which they had hitherto ſhewn for the Support and Proſecution of the juſt and neceſſary War, in which he was engaged, was a freſh Proof of their Concern for the Honour and Intereſt of his Crown and Kingdoms. He thanked them for the effectual Supplies, which they had granted him for the Service of the current Year: And aſſured them, that they ſhould be duly employed to the Purpoſes for which they were given. He again recommended Union amongſt ourſelves, as being highly conducive to the carrying on this great Work with Honour and Advantage, and to the more ſpeedy obtaining of all poſſible Juſtice and Satisfaction from the Crown of Spain, for the many grievous Injuries ſuffered by his Subjects; and effectual Security for the future, &c.

Particulars omitted, by Miſtake, in the laſt Seſſion.

November 29. The three Motions following were made; the firſt by Sir William Wyndham; the ſecond by William Pulteney, Eſq; the third by Edmund Waller, Eſq; viz.

1ſt, Whether or no an humble Addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions to lay before Parliament, Copies or Extracts of ſuch Memorials or Repreſentations, as had been made either to the King of Spain or his Miniſters, from the Treaty of Seville to March 9, 1738, relating to any Loſſes ſuſtained by his Majeſty's Subjects, by Depredations committed by the Spaniards in Europe or America, which had not before been laid before Parliament.

2dly, Whether or no an humble Addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions, to lay before Parliament, Copies or Extracts of all Letters written and Inſtructions given by the Secretaries of State, or Commiſſioners for executing the Office of Lord High Admiral of Great Britain, to any of the Governors of the Britiſh Plantations in America, or any Commander in Chief or Captains of his Majeſty's Ships of War, or his Majeſty's Miniſter in Spain, and Conſuls in Europe, from the Treaty of Seville to January 1, 1738, relating to any Loſſes ſuſtained by his Majeſty's Subjects, by Deprendations committed by the Spaniards in Europe or America, which had not before been laid before Parliament.

3dly, Whether or no an humble Addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions, to lay before Parliament, Copies of all the Inſtructions and Letters ſent to Mr. Keene by his Majeſty's Miniſters, authorizing him to conclude and ſign the

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Convention between his Majeſty and the King of Spain, on Jan. 14, 1739. N. S.

Anno, 13 Geo. II. 1739.

Each of theſe three Motions occaſion'd a Debate, of which the two laſt were as follow :

Debate on the ſecond Motion.

William Pulteney, Eſq;

SIR,

William Pulteney, Eſq;

' Altho' the Succeſs of the laſt Motion muſt be a Diſcouragement to any Gentleman to make a Motion in this Houſe, which he thinks will not be approved by the Miniſter, yet, as I am reſolved always to do my Duty as a Member of this Houſe, without regard to the Succeſs I may meet with, as I am reſolved to conſider only what may be agreeable to the People I repreſent, and what they may juſtly expect, without regard to its being agreeable or diſagreeable to a Miniſter, I ſhall beg Leave to make you a Motion, which, I think, is not liable to the Objections made againſt the laſt, and therefore, I hope, it will meet with a happier Fate. For theſe two laſt Seſſions, Sir, this Houſe, and the whole Nation, were entertained and amuſed with the ſtrongeſt Aſſurances, that the Negotiations then carrying on with the Court of Spain would at laſt end in a ſafe and honourable Peace. This would have been a good End, an End for which we had Reaſon to negotiate, and an End which every good Man wiſhed to ſee, tho' very few expected it; but as, during the whole Time of theſe Negotiations, we were put to a great Expence, and, ſuffering many of the Calamities of a real War, we ought not to have continued our Negotiations, unleſs we had very good Grounds to expect a ſpeedy and happy Iſſue; and, in the mean Time, thoſe Squadrons, which the Nation was put to the Expence of fitting out, ought to have been employ'd in protecting our Trade, from thoſe warlike Inſults which, under peaceful Pretences, were frequently put upon the Trade and Navigation of this Kingdom.

' If our Negotiations had ended in a ſafe and honourable Peace, as we were often aſſured they would, the People would have concluded, that thoſe Hopes, upon which we had for ſo many Years continued our Negotiations, were well founded, and the Fruits of an honourable Peace and flouriſhing Trade would have made them forget the Injuries they had ſuffered, and the Dangers they had been expoſed to. Like a weary Traveller, they would have rejoiced in the Warmth and Convenience of their Quarters, and would have forgot the Toils and the Dangers of that long and tedious Circuit, they had been obliged to make, in order to come ſafely to their Lodging. But as our Negotiations

Anno 13, Geo. II. 1739.

have now taken a quite different Turn, the People neither can ſuppoſe, that we had ever any well grounded Hopes of Succeſs by Negotiation, nor can they forget the Inſults they were expoſed to, and the Injuries they ſuffered, by the Continuance of theſe hopeleſs Negotiations. They not only conclude, that we continued to negotiate after being deprived of all Hopes of Succeſs in that Way, but that very little Care was taken, in the mean Time, to protect our Trade from thoſe Dangers and Inconveniences it was expoſed to, by theſe very Negotiations.

'If theſe Concluſions are wrong, Sir, if our Hopes of Succeſs by Negotiation were well founded, and proper Care taken to protect our Trade in the mean Time, I am ſure the Parliament cannot do a more effectual Service to the Adminiſtration, than to enquire into the Grounds upon which our Miniſters continued to negotiate, and into the Care they took to protect our Trade, while they thus continued to negotiate; and as no ſuch Enquiry can be made, without having all the neceſſary Papers and Materials before us, I hope, in the Motion I am to make, I ſhall have the Concurrence of every Gentleman concerned in the Adminiſtration; for when a Man is blamed or accuſed, either by a private Perſon, or by the public Voice of his Country, I am always willing to ſuppoſe him innocent, unleſs he gives me Reaſon to ſuſpect him guilty, by his induſtriouſly avoiding a fair Enquiry into his Conduct. For this Reaſon, I ſay, Sir, I hope, I ſhall have the Concurrence of every Gentleman concerned in the Adminiſtration; for I ſhall be ſorry to find them, by their Oppoſition within Doors, juſtifying and confirming the ſcandalous Concluſions that are made againſt them without.

'But, Sir, whatever Reception my Motion may meet with from thoſe concerned in the Adminiſtration, I am ſure it is a Motion that will be agreeable to every Man, who has no Share in the Adminiſtration, nor any particular Dependence upon it; and it is a Motion which every Man, that has ſuffered by our Negotiations, or may ſuffer by the War, has a Right to have complied with. When any great Misfortune is brought upon the Nation, the People expect, they ought to be informed, how that Misfortune came to be brought upon them. This Information they cannot expect from thoſe concern'd in the Management of our national Affairs: They will not reſt ſatisfied with any Accounts they can give, and in this they are in the right, becauſe thoſe that are concerned in the Conduct of public Affairs may be, and are often, the chief Cauſe of the public Misfortune. In all ſuch Caſes, it is from Parliament only they

they can expect Satisfaction. It is for this they ſend us here; and if we don't give the People this Satisfaction by a fair and impartial Enquiry into the Cauſes of the Misfortune, we neglect one of the chief Ends of our meeting in this Houſe. I hope it will be granted, that War is at all Times, and to every Nation, a very great Misfortune: It is not yet a Twelvemonth ago, ſince it was repreſented as ſuch a terrible Misfortune, that a Nation ought to ſubmit to the moſt cruel Indignities, the moſt tedious Negotiations, the moſt ſcandalous Convention, rather than involve itſelf in a War. I did not then, I do not now, look upon War in ſuch a terrible Light; but yet I look upon it as a Misfortune, which no Man ought to involve his Country in, if it can be avoided; and therefore, if there be any amongſt ourſelves who, by their Folly, have involved us in this Misfortune, their Conduct ought to be enquired into, and their Perſons removed from our Councils, that the Nation may not ſuffer a ſecond Time by their Folly; for if we do not remove ſuch Men from our Councils, they may bring us into a ſecond Misfortune, ten Times worſe than the firſt. Anno 13, Geo. II. 1739.

'This, Sir, is what the People are afraid of: They feel the Misfortune of the War, and, I fear, will feel it ſeverely before it can be brought to an honourable Concluſion: They ſuſpect, we have been led into it by the Weakneſs of our own Conduct: By not underſtanding our own Rights, or not repreſenting them in a proper Manner to the Court of Spain, that Court, they ſuſpect, has been encouraged to form new Pretenſions againſt us; and that by mean Conceſſions in former Treaties, and by too patiently and too long ſubmitting to Indignities, we at laſt made that Court believe, that nothing could provoke us to declare War againſt them. This is ſuſpected by moſt Men in the Nation to be the remote Cauſe of the preſent War; and for removing or confirming their Suſpicions, they expect, they juſtly expect a fair and impartial Enquiry into the Conduct of our public Affairs. If by this Enquiry we remove theſe Suſpicions, we do Juſtice to our Miniſters; if thereby we find them confirmed, I hope we ſhall do Juſtice to the Nation.

'The People, Sir, have long ſuffered, and greatly: Our Ships have been ſeized, our Merchants often plundered, our Seamen long treated in the moſt cruel manner, by a Nation we could have cruſhed to Atoms, if we had properly and ſeaſonably made uſe of our Power. The People expect to ſee a Reaſon given for making them ſuffer ſo long; eſpecially, ſince the Reaſon hitherto given, appears now to be no

Anno 13. Geo. II. 1739.

Reaſon at all. Every one knows, that our Merchants and Seamen have been complaining of the Depredations committed upon them by the Spaniards, for this Dozen of Years paſt. During all that Time we have been in a continual Courſe of Negotiation, and the Sufferers have always been told with great Confidence, that our Reaſon for not putting an end to their Sufferings by a Declaration of War, was the reaſonable Hopes we had of putting an end to them by a Treaty of Peace. This now appears to have been a very inſufficient Reaſon; and it cannot be ſaid, it was leſs convenient, or leſs ſafe for us to have declared War, or iſſued Reprizals, againſt Spain, ten or a dozen Years ago, than it was in the Month of June laſt; for the Affairs of Europe were never in ſo unlucky a Situation for this Kingdom, as they were at that Time, nor was the Power of Spain then leſs, or the Power of this Nation then more conſiderable, than for twenty Years preceding. Nay, the Power of Spain was laſt June more conſiderable than it had been for a dozen of Years before, becauſe they had in that Time many large Additions to their Navy, and had united themſelves more firmly to the Court of France: Whereas we had made no Addition to our Strength: We had relieved our People from none of the Taxes they groaned under, nor paid off any conſiderable Part of our national Debt; and by our Conduct we had in that Time detached from us every uſeful Ally we had, or could have in the World. Therefore, I muſt conclude, that laſt Summer was the worſt of any preceding Time for this Nation to engage in a War; from whence it is natural to ſuppoſe, and the whole Nation does ſuppoſe, that neither our former pacific, nor our preſent warlike Meaſures proceeded from any national Concern, but from ſome Motive of a private Nature, which we ought, and certainly will enquire into, if we ſhew a due Regard either to our Country or Conſtituents.

'Another, and, I think, a very ſtrong Reaſon, Sir, for our enquiring into the Cauſes of the War is, the Confidence with which the Court of Spain has publicly aſſerted, that the War is owing to a Breach of Stipulations on the Part of this Nation. It is, indeed, lucky for us, that Spain took from thence an Occaſion not to perform her Part of the laſt ſcandalous Treaty we made with her; for the laſt is far from being the firſt ſcandalous Treaty we have lately made with that Nation. It is lucky for us, the Spaniards refuſed to pay the 95000l. ſtipulated by the late Convention; for if they had made that Payment at the Time appointed, we ſhould have been pinned down to a new ten Years Negotiation, during which Time their Guarda Coſta's would have had

had a ſort of new Indulgence to have plundered our Mer- Anno 13, Geo. chants, and by that means they would ſoon have reimburſed III. 1739. themſelves the Sum they paid for that Indulgence. But as the Reaſons given by Spain, for not making that Payment, are founded on Breaches of Conditions on our Part; as thoſe Conditions are ſuch as were never ratified by his Majeſty; and as they have never yet been denied by any public Authority in this Kingdom, they ought certainly to be enquired into by Parliament, for vindicating the Honour of our Miniſters, if they are innocent, and for vindicating the Honour of his Majeſty and the Nation, by puniſhing them, or ſending them over in Fetters to the Enemy, if they are guilty.

'In ſhort, Sir, to have ſuffered ſo long and ſo much, in hopes of a Peace, and yet at laſt to find ourſelves in a War, and at a Time the moſt inconvenient, the moſt dangerous for this Nation, affords ſuch Preſumptions againſt the Wiſdom of thoſe that have lately conducted our public Affairs, and has raiſed ſuch a general Suſpicion and Diſtruſt among the People, that in Duty to our Country, in Duty to our Sovereign, and, I hope, in Juſtice to thoſe who have been concerned, we ought to make ſtrict Enquiry into our late Negotiations with Spain. Whoever may be to blame, we are very certain, both from the Nature of our Conſtitution, and the Knowledge we have of his Majeſty's Wiſdom and Goodneſs, that he can have no Share in it; and, therefore, when general Suſpicions and Complaints are raiſed among the People, it is the Duty, it is one of the greateſt Uſes of Parliaments, to enquire into the Grounds of them, in order, either to convince the People that there is no ſolid Ground for ſuch Suſpicions or Complaints, or to reconcile them to their Sovereign, by detecting and puniſhing the Guilty, or at leaſt by preventing their having any farther Concern in adviſing or conducting our public Affairs. This, I ſay, is, at all Times, the Duty of Parliament, but eſpecially when the Nation is juſt entered into an expenſive and dangerous War, and a War too, which a great Part of the People believe to be owing to the tedious perplexed Negotiations we have for ſo many Years been carrying on at the Court of Spain, and the tame Submiſſions we have made to the repeated Inſults of that haughty Nation.

'Can the Nation, Sir, expect a prudent or a vigorous Proſecution of the War from thoſe who, they believe, have been guilty of ſo much Imprudence and Weakneſs in Time of Peace? Can our Soldiers or Sailors act with Courage or Vigour, when they are diffident of the Conduct of thoſe who are their chief Directors? Can our People pay with Plea-

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Anno 13, Geo. II. 1739.

ſure their Taxes, when the chief Management and Application is to be entruſted to thoſe, in whoſe Conduct they can put no Truſt? Sir, if we expect Succeſs in the War, if we expect to put a ſpeedy and an honourable End to it, we muſt remove the preſent Suſpicions of the People, or remove thoſe that have cauſed them; and neither of theſe can be done, but by a fair, and impartial, and a ſtrict parliamentary Enquiry into our late Conduct, eſpecially that Part of it which relates to our Tranſactions with the Court of Spain. This Enquiry we have a Right, and are, in Duty to our Sovereign, as well as our Conſtituents, bound to make; and this Enquiry will, I hope, turn out to the Advantage and Honour of thoſe that have been concerned. I hope we ſhall be able to remove the Suſpicions of the People, by ſhewing them, that all our late Tranſactions with Spain have been carried on with Wiſdom, Steadineſs, and Perſpicuity; but this cannot be done, unleſs we have laid before us all thoſe Papers that are neceſſary for giving us a thorough Inſight into thoſe Tranſactions; for if the proper Materials are denied, the people will not believe, that we are either ſerious or impartial in our Enquiry; and in that Caſe, inſtead of removing their Suſpicions, with regard to our Miniſters, we ſhall render them diſcontented, nay deſperate, as well as diffident, by giving them a Suſpicion of the Integrity of their Repreſentatives.

'For this Reaſon, Sir, I ſhall conclude with moving, &c.'

Horatio Walpole, Eſq;

SIR,

Horatio Walpole, Eſq;

'I muſt think, that Gentlemen give themſelves a very unneceſſary Trouble, when, upon this Occaſion, or any Occaſion of the like nature, they talk to us of the Right we have to enquire into the Conduct of any public Meaſure. In former Times, this Right may, perhaps, have been denied, by the Paraſites of Princes, who aimed at arbitrary Power. But it is a Right that has never, of late Years, been denied: It has never been, I believe, ſo much as inſinuated by any Gentleman now in this Houſe, that we have not ſuch a Right, or that it ought not to be exerciſed upon every proper Occaſion. But, as parliamentary Enquiries into the Conduct of thoſe that are employed by the Crown, are generally the Cauſe of great Ferments in the Nation, eſpecially when they are directed againſt thoſe in high Stations, and as ſuch Enquiries are always dangerous, as well as troubleſome, even to the beſt and moſt faithful Servants of the Crown, they ought not to be ſet on foot, but when there

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is an abſolute and apparent Neceſſity for ſo doing. We may remember, the very laſt Enquiry that was ſet on foot, raiſed ſuch a Ferment in the Nation, as, at laſt, ended in a dangerous and deſtructive Civil War. That Enquiry was abſolutely and apparently neceſſary; but neceſſary as it was, if we had, at that Time, been engaged in a foreign War, I ſhould have been for putting it off till the Concluſion of the War; for, if the diſaffected or diſcontented Party, call them which you will, could have had any foreign Aſſiſtance, they might, perhaps, have been able to have turned the Tables, and inſtead of having their Conduct enquired into and puniſhed as it deſerved, they might have enquired into and puniſhed the Conduct of thoſe who had ſo juſtly ſet up an Enquiry into theirs. Anno 13, Geo. II 1739.

'All ſuch Enquiries, Sir, muſt therefore be allowed to be of dangerous Conſequence to the Tranquillity of the Nation; and, if we conſider by whom ſuch Enquiries are generally ſet on foot and carried on, we muſt allow, that they are not only troubleſome, but dangerous, to the Perſons whoſe Conduct is enquired into. They are generally ſet on foot by the perſonal Enemies of thoſe in the Adminiſtration, and are uſually carried on with a Zeal for condemning, which ſtifles every Sentiment of Compaſſion, and makes human Frailties appear to be monſtrous Crimes. I ſhall grant, Sir, that it is a great Advantage to a Perſon accuſed, either by a private Informer, or by a public Report, to be legally tried and fairly acquitted; yet, nevertheleſs, I believe, no ſuch Perſon would chuſe to put himſelf upon his Trial, if he could conveniently avoid it; for even the moſt Innocent may, by ſome Accident or Miſtake, be condemned, and therefore a prudent Man, let his Innocence be never ſo apparent, will always chuſe to vindicate his Character by ſome other Method, rather than run the riſk of a legal and formal Trial. For this Reaſon, Sir, I ſhall be no way ſurprized, if I find the Friends of thoſe who were concerned in our late Negotiations with Spain, oppoſing any parliamentary Enquiry into thoſe Negotiations; eſpecially as I am convinced, whatever ſome Gentlemen may pleaſe to ſuggeſt, that there was not one wrong Step made in the whole Courſe of that Tranſaction.

'I preſume, Sir, it will appear from what I have ſaid, that no parliamentary Enquiry ought ever to be ſet on foot, but when there is an abſolute and apparent Neceſſity for ſo doing; and therefore, I ſhall next obſerve, that there never can be ſuch a Neceſſity, but when there appears to have been a flagrant Error in ſome Part of the Conduct of our public Affairs. A national Misfortune is no juſt Cauſe for a parliamentary

Anno 13, Geo II. 1739.

liamentary Enquiry, unleſs there be Ground to believe, that it was owing to the Crime, the Neglect, or the Weakneſs of thoſe who were concerned in adviſing or conducting our public Affairs. I ſhall moſt readily admit, that War is a great Misfortune to any Nation; and that it is a greater Misfortune to a Trading Nation, than to any other: To which I muſt add, that to this Nation, I believe, it is a greater Misfortune to be involved in a War with Spain, than with any other Nation in Europe. But this is ſo far from being a Reaſon for an Enquiry, that it is a Juſtification of the pacific Meaſures ſo long purſued by the Adminiſtration. Their avoiding a War as long as poſſible, their endeavouring as much as they could to bring Matters to an Accommodation, is, in my Opinion, a Manifeſtation of their Prudence, and of their ſtedfaſt Regard for the Trade and Happineſs of their Country. Suppoſe it true, which I have good Reaſon to believe is far from being the Caſe, that the Spaniards were ſo wrong headed as to look upon our Regard for ourſelves, as a Sign of our Fear of them, could this be called a Weakneſs in thoſe that had the Management of our Affairs, eſpecially as they have now convinced the Spaniards of their Error? And, if the Court of Spain did really fall into ſuch an Error, I hope, the Event of the preſent War will be a laſting Memorial for that Nation, never to fall into ſuch another.

'Thus, Sir, I think, it is evident, that our preſent Misfortune of being engaged in a War with Spain, can be no Reaſon for ſetting up a parliamentary Enquiry into our late Tranſactions with that Nation, unleſs it ſhould be ſaid, that we made unreaſonable Demands upon them, or entered precipitately into the War, neither of which, I believe, will be expreſly alledged by any of thoſe Gentlemen who now ſeem ſo fond of parliamentary Enquiries, tho' the Hon. Gentleman has been pleaſed to inſinuate ſomething like it; for, I muſt think, a War is precipitately entered into, if it is begun at the very worſt Time that could have been choſen for that Purpoſe. I cannot, however, be of his Opinion: I cannot think, that laſt Summer was the worſt, or the moſt improper Time we could have choſen for entering into a War, or ordering Reprizals againſt Spain. The Additions made by Spain to its Navy, we knew, could be of no Signification in a War againſt this Nation; and tho' the Courts of France and Spain have been of late more firmly united than they were about fifteen Years ago; yet that Union will not, I hope, prevail with France to aſſiſt the Spaniards in an unjuſt War againſt us; but, if it ſhould, it is not to be imputed to any Error in our Conduct, but to the preſent Circumſtances

Circumſtances of the two Courts; for whilſt the preſent King of Spain lives, it is natural to ſuppoſe, that there will be an Union between the two; and this is another very ſtrong Argument for juſtifying the Length, or, if Gentlemen pleaſe, the Tedioufneſs of our Negotiations; becauſe, if the preſent King of Spain had, in the mean time, happened to die, we ſhould probably have found that Court more flexible, and more inclined to come to a friendly Accommodation with us. But, as that Event did not happen, and as it became at laſt abſolutely neceſſary for us to vindicate our Rights by Force of Arms, we were obliged to take our Fate, let who would declare againſt us; for, let the Situation of Affairs in Europe be what it will, I hope, it will always be the Happineſs of this Nation to find proper and powerful Allies upon the Continent, as ſoon as we have Occaſion for them. But, I muſt obſerve, Sir, that the beſt Method to have good Allies, is to ſhew them, we can ſtand upon our own Legs; for, if they ſhould ſuppoſe, we cannot do without them, they will of courſe impoſe harder Terms upon us, than they could otherwiſe think of. Anno 13, Geo. II. 1739.

With regard to our own Conduct, therefore, I do not think there is the Ground for ſuſpecting it of any Weakneſs, either in the Negotiations that preceded the War, or in the Time we choſe for commencing it; and conſequently there can be no Neceſſity for an Enquiry. I, indeed, never heard of a parliamentary Enquiry into public Meaſures, unleſs they were ſuch as had been firſt cenſured by Parliament. Can this, Sir, be alledged againſt any Part of our Negotiations with Spain? Thoſe Negotiations did, at laſt end in a Treaty: That Treaty was approved of by Parliament. If it had been cenſured, there would then have been good Reaſon for enquiring into the Negotiations by which it was concluded; but, ſo far otherwiſe, it was approved of, and juſtly approved of by both Houſes, in my Opinion, whatever ſome Gentlemen might think of it. By that Treaty, a Reparation for the Damage our Merchants had ſuffered was expreſly promiſed; nay a proper Proviſion was made for preventing any Search in Time to come. This was all we could deſire, and the Conſequence has ſhewn, it was a good Treaty for this Nation: The Spaniards thought it ſo good for us, that they afterwards refuſed to perform their Part of it; and this is the true and the ſole Cauſe of the preſent War; therefore, I am ſurprized, any Gentleman ſhould pretend to be ignorant of the Cauſe of this War, or that a parliamentary Enquiry is neceſſary for informing any Man in the Kingdom what was the Cauſe of the War.

Anno 12. Geo II. 1739.

Whatever Doubts ſome Gentlemen within Doors may have, however much they may refine, about the remote Cauſe of the War, I am perſuaded, Sir, no Gentlemen, or at leaſt very few, without Doors, pretend to doubt of the Court of Spain's being the ſole Cauſe of the War, by refuſing to fulfil that Convention they had ſo lately and ſo ſolemnly agreed to. And, I am as fully perſuaded, that with regard to the Negotiations which ended in that Treaty, there are no Complaints without Doors amongſt Men of Figure and Senſe, except ſuch as are prejudiced by their Paſſions, or ſuch as are diſaffected to his Majeſty, and conſequently ready to find fault with every Thing done by his Servants. If there are any Complaints without Doors, they are wholly among the Vulgar, the Ignorant, the Prejudiced and the Diſaffected; and if this Houſe were to ſhew ſo great a Regard to the Complaints of ſuch Men, as to enter into a Parliamentary Enquiry, in order to convince or ſatisfy them, we ſhould never be able to do any Thing elſe but enquire, nor would ſuch Enquiries ever convince or ſatisfy them, but, on the contrary, would afford them new Matter for Complaint.

Therefore, Sir, whatever Right we may have to enquire, however much it may be our Duty to enquire into public Tranſactions, we are at preſent under no Neceſſity, nor have we any Occaſion to take up our Time with Enquiries. But even ſuppoſe an Enquiry were neceſſary, yet it may be prudent to delay going upon it for ſome Time; and this, I think, is the Caſe with regard to the Enquiry now propoſed. Suppoſe it were neceſſary to enquire into our Negotiations with Spain antecedent to the Convention, it would, I think, be very imprudent to go upon it in this Seſſion of Parliament; becauſe it would be neceſſary to have ſeveral Papers laid before us, which it would be moſt imprudent to make public, as every Paper muſt be, that is laid before ſuch a numerous Aſſembly. Whether the Papers now moved for may be neceſſary for an Enquiry into our late Negotiations with Spain, I ſhall not determine; but this I may with Confidence affirm, that the laying of all the Letters and Inſtructions moved for, before this Aſſembly, might be attended with moſt fatal Conſequences to the Nation.

'We all know, Sir, that the Spaniards lay the whole Blame of the War upon us, by pretending, we were the firſt that broke the Convention. Their Pretences, indeed, are ſo weak, and ſo apparently ill-founded, that they do not deſerve an Anſwer, and far leſs the Notice of this Houſe; but if this Motion ſhould be agreed to, and complied with by

by his Majeſty, the Letters and Inſtructions thereby called for, might afford the Spaniards ſome plauſible Grounds, at leaſt more plauſible than any they yet alledged, for ſaying, it was this Nation that firſt violated the Convention. If from theſe Papers it ſhould appear, that hoſtile Inſtructions were ſent to any of our Sea-Commanders, or to any of our Governors, tho' it ſhould appear at the ſame Time, that thoſe Inſtructions were conditional, and not to be carried into Execution, unleſs the Court of Spain ſhould refuſe ſuch or ſuch a reaſonable Demand, yet that Court would from thence argue, that we had dealt deceitfully, or not candidly, by them; becauſe it from thence appeared, that we had been preparing to attack them, at the very Time we were treating with them. Beſides this, there are many other Circumſtances might appear from the Papers and Inſtructions now called for, which might give the Court of Spain ſome Colour, tho' not real Ground, for laying the Blame of the War at our Door; and as we do not know what Effect theſe colourable Pretences might have upon foreign Courts, all of whom now look upon the War as owing to the Obſtinacy of the Spaniards alone, we ought not, I think, in Prudence, to call for any Papers that may probably furniſh our Enemies with ſuch Pretences. Anno 13. Geo. II. 1739.

'Another fatal Conſequence that may probably ariſe from having theſe Papers laid before us, is a Diſcovery of thoſe Deſigns that are now to be executed againſt the Enemy. Let us conſider, Sir, the Circumſtances the Nation was in laſt Year. His Majeſty was by the Advice of his Parliament to make a laſt Attempt for accommodating our Differences with Spain in an amicable Manner: For this Purpoſe, he was to make a peremptory Demand of every Thing we had a Right to inſiſt on; and for making this Demand effectual, or at leaſt to give it its due Weight, he ſent Admiral Haddock with a Squadron into the Mediterranean, and Commodore Brown with another to the Weſt Indies; in order to ſhew the Court of Spain, that we were reſolved to begin Hoſtilities, if they attempted to quibble with us any longer. This had the deſired Effect: It produced the Convention, by which, as I have ſaid, we obtained all we could deſire. We muſt ſuppoſe, that theſe Squadrons were furniſhed with Inſtructions for beginning Hoſtilities, in caſe the Court of Spain had abſolutely refuſed to treat with us upon a reaſonable Footing; and conſequently we muſt ſuppoſe, that in the Inſtructions there were Schemes laid down, how our Squadrons were to begin the Attack, and where they were to make the firſt hoſtile Attempt upon the Enemy. As Spain ſubmitted, and

Anno 13, Geo II. 1739.

concluded a moſt reaſonable Treaty with us, there was then no Occaſion for carrying any of thoſe Schemes or Deſigns into Execution; but now that Spain has, by adding Breach of Faith to her former Obſtinacy, obliged us to begin the War, theſe Schemes or Deſigns, or ſome of them, muſt now be carried into Execution; and before this is done, I am ſure it would be very imprudent to diſcover them to the Enemy, which would be the certain Conſequence of having the Letters and Inſtructions now called for, laid before us. We ſhould thereby give Spain an Opportunity of providing againſt every Attack we can make, and of taking all poſſible Means for rendering our Deſigns againſt them abortive.

'Sir, whatever Opinion the People without Doors may have of the paſt Conduct of thoſe, who have the Direction of our public Affairs, I am certain, they would have no good Opinion of, nor any Confidence in their future Conduct, ſhould they agree to this Motion, or adviſe his Majeſty to comply with it; I muſt, therefore, be of Opinion, that, ſhould we agree to the Addreſs propoſed, his Majeſty would find himſelf under a Neceſſity of refuſing our Requeſt; and as I am very well aſſured, that his Majeſty will never refuſe any reaſonable Requeſt that can be made to him by his Parliament, I ſhall always be againſt making any Requeſt, which, I think, he cannot in Prudence, or conſiſtently with the Welfare of his Kingdoms, fully comply with. The Addreſs propoſed, I hope, I have ſhewn to be a Requeſt of this Nature; this is the Light I view it in; and this is a moſt ſubſtantial Reaſon for my giving a Negative to the Motion.'

Edmund Waller, Eſq;

SIR,

Edmund Waller, Eſq;

'I ſhall readily admit, that the Rights and Privileges of Parliament have not of late Years been ſo much diſputed by our Miniſters, as they were formerly, and if it were neceſſary, I could give a very good Reaſon for this Complaiſance on the Part of our Miniſters; but the acknowledging of our Right to enquire will ſignify but little, if it ſhould ever come to be in the Power of Miniſters, to prevail with a Majority of this Houſe, to put a Negative upon every Queſtion that tends to an Enquiry. This, I hope, is not now our Caſe; but I muſt obſerve, that, for many Years paſt, either our Miniſters have been extremely good, or our Parliaments extremely complaiſant; for there has been no regular Parliamentary Enquiry into the Conduct of any one Miniſter, whilſt he continued to be ſo; and if no Miniſter's

niſter's Conduct is ever to be examined by Parliament, till after he is given up by the Crown, I cannot think, that Parliamentary Enquiries will ever be of any great Service to the Nation. The Hon. Gentleman that ſpoke laſt, has been ſo good as to acknowledge our Right to enquire into the Conduct of public Affairs; but if the Arguments he has been pleaſed to make uſe of upon this Occaſion, be allowed to be of any Weight, I am ſure, no Parliamentary Enquiry into a Miniſter's Conduct can ever be ſet on Foot, becauſe they will be of equal Weight againſt every future Enquiry, and every Motion that may tend to that End. Anno 13, Geo II. 1739.

'The Hon. Gentleman is pleaſed to ſay, we ought never to enquire, but when there appears to have been a flagrant Error in the Conduct of our public Affairs. Sir, how is this Error to appear, if we are never to have laid before us any Papers that relate to the late Conduct of our public Affairs? Does not every Gentleman ſee, that the End of an Enquiry is here miſtaken for the Cauſe? A general Suſpicion, therefore, muſt always be a good Cauſe, and this is what gave Occaſion for the preſent Motion. There is at preſent the ſtrongeſt Reaſon to ſuſpect moſt egregious Errors in the late Conduct of our public Affairs, and we deſire to have the Papers now moved for laid before us, that we may from thence point out the Errors our Miniſters may have been guilty of, or remove the Suſpicions which are now ſo general, and which may have been unjuſtly conceived. But I will go farther: I will affirm that, if our Miniſters have been guilty of no Error in their late Conduct, they have at leaſt been guilty of a moſt egregious Miſtake. They declared, with the greateſt Aſſurance, for ſeveral Years together, that they had Reaſon to hope for a happy Iſſue from their pacific Negotiations. Does it not now evidently appear, that they were miſtaken? And as I can diſcover no material Difference between an Error and a Miſtake, I muſt therefore think, that from the Hon. Gentleman's own Argument, there is an abſolute and apparent Neceſſity for enquiring into our late Conduct; and if there be a Neceſſity for examining our late Conduct, we ought to have all Papers before us, that may any way contribute to our Information.

'Whether we ought, or ought not to enquire into the late Conduct of our public Affairs is therefore, I think, a Queſtion that can admit of no Diſpute, and, I think, it has not been ſaid, that the Papers called for are not neceſſary for our Information. But we are told, they cannot be laid before us, becauſe the Secrets of our Government would thereby be diſcovered to our Enemies, which might be of miſchievous Conſequence to the Nation. That theſe Papers contain

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contain ſome Secrets, which our Miniſters do not deſire to have diſcovered, is what I am fully convinced of, otherwiſe this Motion would not be ſo ſtrenuouſly oppoſed: But that this Diſcovery might be of any miſchievous Conſequence to the Nation, is what I very much doubt of. It is what every Gentleman, as a Member of this Houſe, ought to doubt of, becauſe in the preſent Caſe, we ought certainly to have all the Information that can be given conſiſtently with the public Safety; and in a Caſe where we ought to doubt, it is below the Dignity of this Aſſembly to take a Reſolution of that Doubt from any of our own Members. In ſuch a Caſe, it is from his Majeſty alone we can accept of any Satisfaction, and the only Method of obtaining that Satisfaction is, by agreeing to the Addreſs propoſed. Can our preſenting ſuch an Addreſs be attended with any bad Conſequence? If his Majeſty, by way of Anſwer, ſhould tell us, that ſome of thoſe Papers could not ſafely be laid before us, would ſuch an Anſwer be attended with any bad Conſequence? Could it be ſaid to be a Refuſal of our Requeſt? No, Sir, every Refuſal of ſuch Requeſt implies, in its own Nature, the Condition of its being conſiſtent with the public Safety; and therefore his Majeſty's telling us that it is not, will always be look'd on by a dutiful Houſe of Commons, as a ſufficient Anſwer to ſuch a Requeſt; but it is an Anſwer we can take from none but our Sovereign: It is beneath our Dignity to take ſuch an Anſwer from any of his Servants.

'Suppoſing then there was a Probability, that ſome of theſe Papers might make a Diſcovery, which would be of dangerous Conſequence to the Nation, it would be no Argument againſt our agreeing to the Motion. But ſo far otherwiſe, it is not poſſible to ſuppoſe, that any of the Papers now called for contain any Secrets, the Diſcovery of which might be of bad Conſequence to the Nation, without ſuppoſing our Miniſters to have been guilty of a very great Weakneſs. I ſhall grant, that in Summer, 1738, we were, or at leaſt our Miniſters were, in a State of Uncertainty about War or Peace. I ſhall grant, it was right in them to contrive and form Schemes for attacking the Spaniards, in caſe they had refuſed to treat with us upon a reaſonable Footing; but whilſt they were in this Doubt, I am ſure it would have been very wrong, in them, to have communicated ſuch Schemes, either to the Commanders of our Squadrons, or to the Governors of our Plantations. For as no ſuch Scheme could be carrried into Execution by them, till they had an Account from hence, that our pacific Negotiations were entirely broke off, and War reſolved on; and as the ſame Expreſs that carried them this Account, might likewiſe have

have carried them the Schemes our Miniſters had formed, with proper Inſtructions for putting them in Execution, it would have been moſt imprudent and raſh in our Miniſters, to give or ſend them any warlike Schemes, or Inſtructions for executing any ſuch Scheme, before they ſent them an Account of our Negotiations being entirely broke off. We cannot, therefore, ſuppoſe, that any of the Letters or Inſtructions now called for contain any Secrets, or any Schemes which are now to be executed, unleſs we ſuppoſe that our Miniſters were guilty of a Piece of great Weakneſs; and if we ſuppoſe them guilty of ſuch a Piece of Weakneſs, it is a good Reaſon, not only for enquiring into their Conduct, but for removing them from our public Councils; for in the dangerous, and, I am afraid, long Journey we are now entered upon, it is not likely, thoſe Miniſters can carry us thro' with Safety, that made ſuch a Trip at the firſt Outſet. Anno 13, Geo. II. 1739.

' Sir, if the Letters and Inſtructions now called for, were ſuch as they ought to have been, they could contain nothing but Orders and Directions how to take care of our Trade, and prevent our Merchants being farther plundered, whilſt we were negotiating with thoſe that had plundered them. It was certainly our Buſineſs to prevent, as much as poſſible, our Merchants being plundered during the Courſe of our Negotiation, not only for the ſake of our Trade, but for the ſake of ſucceeding in our Negotiation; for the leſs we ſuffered, the leſs Reparation we had to demand, and the leſs we had to demand, the more eaſily might we expect to obtain Satisfaction in an amicable way. It was, therefore, the Duty of thoſe, whoſe Buſineſs it was, to ſend the moſt prudent and exact Inſtructions to our Commanders, Governors, and Conſuls, to take all proper care of our Trade in the mean time: And here, I believe, the Secret lies. Conſidering how many of our Merchant-Ships were ſeized, how many plundered, and ſome perhaps, with their whole Crew, ſunk, after being ſtripped of every Thing the Pirates thought valuable, there is the greateſt Reaſon to ſuſpect, that due Care was not taken of our Trade, nor proper Inſtructions given for that Purpoſe; and this is the Secret, I believe, which ſome amongſt us are ſo much afraid of having diſcovered; but will the Diſcovery of this Secret be attended with any miſchievous Conſequence to the Nation? Can the Enemy from thence get any Advantage? On the contrary, Sir, if this Secret be not now diſcovered; if thoſe who neglected, or did not know how to take care of our Trade in Time of Peace, be left to take care of it in Time of War, this Nation muſt ſuffer many Loſſes in Trade, and the Enemy muſt reap many Advantages, which neither we ſhould have ſuffered,

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ſuffered, nor they have reaped, if proper Care had been taken to prevent it. This is a Conſequence, and a fatal Conſequence, which Reaſon may convince us of, and it is, in my Opinion, confirmed by what has already paſſed ſince the War began; for if the Enemy, in every four Months, during the Continuance of the War, ſhould be able to take as many of our Merchant-Ships, as they have done in the four Months ſince it began, I am afraid, we ſhall neither get Honour nor Advantage by the War, and in the mean Time our Trade will be utterly undone.

'As for the Handle the Enemy may get from theſe Papers, for throwing the Blame of the War upon this Nation, it is impoſſible to ſuppoſe they can get ſuch a Handle from theſe, or from any Papers that can be laid before Parliament. The Cauſe of the War is now ſo well known, that it is needleſs either for them or us to diſſemble or diſguiſe it any longer. The Non payment of the 95,000l. ſtipulated by the Convention, was not the Cauſe of the War; but the Unavoidableneſs of a War, without giving up the Point of Search, was the Cauſe of that Non payment. It is known to all Europe, as well as to every Man in this Nation, that the two principal Points in Diſpute between Spain and us, were Reparation for paſt Sufferings, and no Search in Time to come. The Spaniards, I believe, were from the Beginning reſolved to grant us neither the one nor the other, but were willing to negotiate with us as long as we pleaſed, becauſe, in the mean time, they had an Opportunity to enrich themſelves by the Plunder of our Merchants; and tho' a Suſpenſion at leaſt of ſearching till the Point of Right ſhould be determined, ought to have been a Preliminary to any Negotiation, yet we not only entered upon a Negotiation, but have concluded two Treaties with them, without ſtipulating ſo much as a Suſpenſion of ſearching our Ships upon the open Seas. In this manner we continued to negotiate with them for almoſt twenty Years, and would, I believe, have ſtill continued to do ſo, if the Spirit of the Nation had not at laſt riſen up againſt this tedious, hopeleſs, and unequal Method of Negotiation; for the late Convention gave us nothing but a new Fund for Negotiation. It gave us no Security, it gave us no Satisfaction, it gave us no Reparation, but what the Spaniards themſelves had before acknowledged to be juſtly due to us. Before this Convention was concluded, the King of Spain himſelf had allowed ſix of our Ships to have been unjuſtly ſeized: Theſe ſix Ships, I ſuppoſe, he reckoned worth 27,000l. and this was all the Reparation he would agree to give. If we would accept of this Reparation, releaſe all other Demands, and leave the

Point

Point of Search, as well as all other Diſputes, to a new Negotiation, the Spaniards were willing to conclude a Treaty or Convention with us; and ſo fond were we of having a Treaty of ſome ſort or other, that we agreed to theſe Terms. But tho' this Treaty was not cenſured, as, in my Opinion, it ought to have been, within Doors, yet it was ſo much cenſured, and ſo loudly and generally exclaimed againſt without Doors, that our Miniſters ſaw, the Nation would neither give up, nor bear to negotiate any longer about the Point of Search, nor would it bear with ſeeing the South-Sea Company made a Sacrifice of to the unjuſt Reſentment of the Court of Spain. Anno 13, Geo. II. 1739.

'This the Court of Spain were ſenſible of, as well as our Miniſters; and as the Court of Spain were reſolved not to yield to us in either of theſe Points, they ſaw, that a War was unavoidable, even tho' they had paid the 95,000l. ſtipulated by the Convention. Therefore, as I have ſaid, it was not the Non-payment of that Sum that was the Cauſe of the War, but it was the Unavoidableneſs of a War that was the Cauſe of that Non-payment; and it was the Court of Spain's obſtinately inſiſting upon theſe two Points, which of their Side were moſt unjuſt, that was the Cauſe of a War's becoming unavoidable. This every Man of Senſe, both Abroad and at Home, is fully apprized of. It is the unjuſt Obſtinacy of the Court of Spain, that muſt, by every one, be looked on as the Cauſe of the War; but whether that Obſtinacy was occaſioned by the Conduct of our Miniſters, is a Queſtion of a different nature, and a Queſtion that will, I hope, be ſoon examined into, in the only Place where ſuch a Queſtion can be properly examined, I mean, a free, an independent, and an unbiaſſed Britiſh Parliament.

'Conſidering the Power of the two Nations; conſidering the Incapacity of Spain, either to hurt this Nation, or to defend itſelf againſt us; and conſidering how ſeverely it has, in former Reigns, felt the Weight of our Reſentment, it muſt be allowed, Sir, that the Obſtinacy of the Court of Spain, in Points that are ſo manifeſtly unjuſt, is both ſurprizing and unaccountable. It muſt be allowed to be a ſufficient Cauſe for ſuſpecting the Conduct of our Negotiators, and as Suſpicion is a good Cauſe for a parliamentary Enquiry, for this Reaſon, if there were none other, their Conduct ought to be ſtrictly enquired into, and all Papers neceſſary for that Purpoſe ought to be laid before us. But according to the Honourable Gentleman's way of arguing, it will always be either too early or too late, to call for any Papers that may give Light into the Conduct of a Miniſter. Whilſt he is alive, and entruſted by the Crown, it will always be

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too early for this Houſe to call for any Papers relating to his Conduct, becauſe you may thereby diſcover the Secrets of the Government: In Time of Peace you may thereby diſturb, or render fruitleſs, his Negotiations for preventing a War; and in Time of War, you may thereby diſcover his Schemes for carrying it on. Thus, whilſt he is alive, and favoured by the Crown, it will always be too early to call for any Papers relating to his Conduct; and after he is dead, I am ſure, it will be too late to enquire into his Conduct. At this Rate, Sir, you muſt never enquire into the Conduct of any Miniſter, whilſt he continues in favour with the Crown; and if this ſhould be laid down as a Maxim, it would deſtroy the chief Uſe of Parliaments. The Nation would have no legal way left of getting rid of a weak or wicked Miniſter; and if this ſhould ever come to be our Caſe, it would be ridiculous in us to boaſt of the Happineſs of our Conſtitution, or to ſay, We are a free People.

'For this Reaſon, Sir, I hope the Arguments which the Honourable Gentleman has been pleaſed to make uſe of, will have no Weight, either in this Caſe, or any other of the like nature. But in this Caſe, there is not the leaſt room for making uſe of ſuch an Argument; becauſe it is impoſſible to ſuppoſe the Papers, now called for, contain any Secrets that ought not to be diſcovered, without ſuppoſing our Miniſters to have been guilty of great Weakneſs, and this, I hope, the Honourable Gentleman is far from ſuppoſing, or deſiring others to ſuppoſe.

Robert Tracy, Eſq;

SIR,

Robert Tracy, Eſq;

'The very Argument the Honourable Gentlemen have made uſe of in favour of this Motion, is with me an Argument for being againſt it. They ſay, it is neceſſary to make a ſolemn parliamentary Enquiry into the late Conduct of our public Affairs, and therefore, it is neceſſary to have theſe Papers laid before us. Now, I think, it is not in the leaſt neceſſary to make any Enquiry into the late Conduct of our public Affairs, and therefore, I think, there is no Neceſſity for our having theſe Papers, or any other Papers of the like nature laid before us. I entertain no Suſpicions, that there was either Weakneſs, or Wickedneſs, in any of our late Meaſures: I think they were all as prudent and as right as could be expected from human Wiſdom; and I have this Comfort, that my Opinion has always been, and, I hope, ſtill is the Opinion of Parliament. I do not remember that any one public Meaſure has lately been taken, but what has had the previous Conſent, or the poſterior Approbation of Parliament;

Parliament; and therefore, I can ſee no Reaſon why we ſhould interrupt our Miniſters in the Proſecution of the juſt and neceſſary War we are now engaged in, by putting them upon their Trial before this Aſſembly. Anno, 13 Geo. II. 1739.

'I can find no Fault, Sir, with any Part of the Conduct of thoſe who are now our Miniſters, but I am really ſurprized at the Conduct of thoſe that oppoſe them, and who are now the Advocates for this Motion. They ſeem in their Conduct, or, at leaſt, in ſome Part of it, to imitate a Man whom, I am certain, they do not like. The King of Spain, Sir, ſeems to have laid it down as a Maxim, that he may abdicate the Crown, and take it up again, whenever he thinks fit. He has already done ſo once; but if he abdicates a ſecond time, I hope they won't again give him leave to reſume. I hope he will be ſerved as a neighbouring Monarch was, who, it is thought, had likewiſe a Deſign of reaſcending the Throne, but was prevented by being locked up in a Caſtle. The Gentlemen in the Oppoſition, like the King of Spain, have once already retired from their Seats in this Houſe, and like him too, have again reſumed them: If they do ſo a ſecond time, I think they ought to be taken at their Word, and prevented from having it in their Power to return. The King of Spain, and his Queen together, ever ſince he reſumed the Crown, have been raiſing continual Broils and Diſturbances in Europe: In this too theſe Gentlemen ſeem to imitate him: They ſeem, I think, to come here only with a Deſign to raiſe Diſturbances, and to impede and retard the public Meaſures, at a Time when every Engine of Government ought to be left to act with the utmoſt Vigour and Freedom. Even this Motion I muſt look on as a Proſecution of the ſame Deſign, and therefore, I ſhall be againſt our agreeing to it.'

George Heathcote, Eſq;

SIR,

'Whatever the Honourable Gentleman that ſpoke laſt may think, whatever the Majority of this Houſe may think of our late public Meaſures, I am very ſure the Majority of the Nation do not approve of them. The Majority of the Nation not only diſapproved of the pacific, negotiating Humour that for ſo many Years prevailed amongſt us; but they did, they do ſtill ſuſpect, that our Negotiators were either moſt egregiouſly impoſed on by the Court of Spain, or induced from ſome private Motives of their own, to continue negotiating, and ſuffering our Merchants to be plundered, after their being fully aſſured that their Negotiations could have no Succeſs. If the former was their Caſe, they were Geo. Heathcote, Eſq;

Anno 13, Geo. II. 1739.

guilty of a moſt pernicious Weakneſs; if the latter, of a moſt heinous Wickedneſs. This is the way of thinking with almoſt every Man without Doors, nay, it is the way of talking with almoſt every Man without Doors, that is not paid for talking otherwiſe; and, indeed, the very nature of the Caſe muſt, in my Opinion, make every Man think ſo, whatever way he may talk. It is now almoſt twenty Years ſince the Spaniards ſet up their Pretence to a Right of ſearching our Ships in the American-Seas, and ſeizing and confiſcating ſuch as had what they were pleaſed to call contraband Goods on board. It is almoſt twenty Years ſince they began to exerciſe this Right, and they have continued to exerciſe it without Interruption, and with great Succeſs, except when they ſuſpended it, that they might afterwards reaſſume the Exerciſe of it with the more Safety.

'If they had only ſet up ſuch a Right, Sir, without making uſe of it, or if the Uſe they made of it had done no immediate Prejudice to this Nation, we might have negotiated with them about it for ſome Years, we might have delayed inſiſting peremptorily upon their giving it up in expreſs Terms; but, as they not only ſet it up, but made uſe of it; and as the Uſe they made of it was infinitely prejudicial, as well as diſhonourable to the Nation, it is amazing that we did not bring them to a poſitive Declaration upon this Head many Years ago: One would really think, our Miniſters were infatuated, and cannot help concluding, that they muſt either have been moſt egregiouſly impoſed on by the Court of Spain, or that, with their Eyes open, they ſacrificed the Rights, the Honour, the Trade, and the Navigation of their Country, to ſome private Views of their own. Before this Diſpute came to an open Rupture, frequent Attempts were made in this Houſe to enquire into this Part of our Miniſter's Conduct, and Motions were frequently made for having ſuch Papers laid before us, as were neceſſary for that Purpoſe; but, we were then told, that the laying ſuch Papers before us would interrupt the Courſe of our Negotiations, and would, probably, make a War unavoidable, which might be otherwiſe prevented. This always prevented any Enquiry into the Conduct of our Negotiators, during the Courſe of their Negotiations; and, now we are told, you muſt not have the Papers neceſſary for ſuch an Enquiry laid before you, becauſe it will diſcover thoſe Schemes that have been concerted by our wiſe Miniſters for carrying on the War.

'Sir, an Honourable Gentleman has already ſhewn, that it is impoſſible to ſuppoſe any ſuch Diſcovery can be made, by the Papers now called for; but I will go farther, I will

inſiſt

inſiſt upon it, that ſuch a Diſcovery, if it were made, could do us no Prejudice, but that on the contrary, it may be of great Service. We have no Occaſion, Sir, to make a Secret of any of our Deſigns againſt the Spaniſh Weſt Indies, and there, I hope, moſt of our Schemes againſt Spain are, and will be laid. Suppoſe our Miniſters had, during their late Negotiations, concerted ſuch hoſtile Schemes, and ſuppoſe they were ſo weak, as to communicate thoſe Schemes to our Sea-Commanders, our Governors, or our Conſuls, and to have ſent Inſtructions for carrying them into Execution, before they knew whether they were to be executed or no; for tho' they may be wiſe, I do not take them to be Conjurers, and, therefore, I cannot ſuppoſe, they knew what Reſolutions the Court of Spain would come to, upon our making a peremptory Demand. I ſay, ſuppoſe all that in this Caſe can be ſuppoſed, is it, now that War is declared, in the Power of Spain to prevent the Execution of ſuch Schemes, or to take any Meaſures for rendering the Execution more difficult? Suppoſe we had concerted a Scheme for making an Attack upon the Havana, upon Carthagena, Vera-Cruz, or any of the other Spaniſh Settlements in America, could the Spaniards now ſend a Reinforcement of Troops to any of thoſe Places, if we take proper Meaſures to prevent it? Whilſt we are Maſters at Sea, it is evident they cannot; therefore a Diſcovery of ſuch Schemes can do no Prejudice, but may be of Service to the Nation, becauſe it may frighten the Court of Spain into a Compliance with our juſt Demands, which is the only way they have, or can take for preventing the Execution of them.

'The Obſtinacy of the Court of Spain, during the Courſe of our Negotiations, I am convinced, Sir, proceeded entirely from the Ignorance or the Timidity of our Negotiators, which gave that Court Reaſon to think, either that we did not underſtand our own Rights, or that we were afraid of endeavouring to vindicate them by Force of Arms; and now that War is declared, I am convinced, that their Obſtinacy in continuing the War, rather than ſubmit to reaſonable Terms, can proceed from nothing but a Belief, that we either do not know how to proſecute the War, or that we dare not proſecute it in the proper Way, for fear of diſobliging their Friends the French. If from a Diſcovery of our Schemes, it ſhould appear, that we both know how to proſecute the War, and dare proſecute it in the proper Way, which, I hope, will appear, whenever our Schemes are diſcovered, I am perſuaded, it would put an End to the Obſtinacy of the Spaniards, and, conſequently, to the preſent War, which muſt be allowed to be inconvenient for

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us, but it may, probably, be fatal to them. Therefore, there can be no Danger in our having the Papers now called for laid before us: Without them, or, at leaſt, moſt of them, we can have no Satisfaction as to our paſt Conduct: and whatever we may think about it, we ought to have ſome Regard to what our Conſtituents think of it: Many of them have ſuffered by the Tedioufneſs of our Negotiations: Moſt of them complained of our continuing ſo long to negotiate, under the Inſults and Depredations we were thereby expoſed to; and as our Negotiations now appear to have been fruitleſs, thoſe that are to ſuffer by the War have Reaſon to aſk, why they were made to ſuffer ſo much by the Peace? In this they expect Satisfaction from Parliament, and if they ſhould be diſappointed, they will, I fear, have the ſame Opinion of us, that moſt of them, I believe, have of our late Negotiators: They will think, we have a greater Regard to our own Eaſe and Tranquillity, than we have to the Honour of the Nation, or the Happineſs of the People; which is a Character I ſhall always endeavour to avoid, and, therefore, I muſt be for agreeing to the Motion now under our Conſideration.

Sir John Barnard.

SIR,

Sir John Barnard.

'I Have always attended my Duty in this Houſe, and always ſhall, as long as the People freely and voluntarily do me the Honour of chuſing me one of their Repreſentatives; but if we are never to enquire into the Conduct of any Miniſter, till that Miniſter, or the Crown, gives us Leave to do ſo, our attending here, or our meeting together in this Houſe, will be of very little Signification to the People; for, I may venture to propheſy, that if ever we ſhould have a Houſe of Commons ſo complaiſant to the Crown, as not to enquire into the Conduct of any of its Miniſters, without a *Congé* for that Purpoſe, ſuch a Houſe of Commons will be as complaiſant in every other Reſpect; and will conſequently agree to every Law the Crown may be pleaſed to propoſe, and to every Grant the Crown may be pleaſed to demand, and inſiſt on. Like ſome of the petty States in France or Germany, we may make humble Remonſtrances to our Sovereign, and repreſent our Inability to comply with the Free-gift demanded of us; but when our Sovereign, or his Prime Miniſter, ſays, it muſt be done, we may depend on it, that ſuch a Houſe of Commons will always ſubmit and agree to what is demanded of them. The Gentlemen of the other Side of the Queſtion ſhould be cautious of mentioning any Thing that has been lately done

done in Spain, for there are many Things now done in that Kingdom, which neither would nor could be done, if their Cortez had preſerved their antient Freedom and Independency; and, if the Maxims theſe Gentlemen have been pleaſed to advance upon this Occaſion ſhould ever be received in this Kingdom, our Parliaments will ſoon become as complaiſant to the Crown, and of as little Uſe to the People, as the Cortez now are in Spain. Anno 13, Geo. II. 1739.

'A Parliamentary Enquiry into a Miniſter's Conduct is, I find, very much miſtaken by the Gentlemen who oppoſe this Queſtion. Sir, it is not a Trial: It is a Sort of Debt which every Miniſter owes to the Public. A Miniſter is a Sort of Agent or Steward for the Public; and is not every Steward obliged to give an Account of his Stewardſhip? When a Lord happens, upon the general View of his Affairs, to be perfectly ſatisfied with the Management of his Steward, he may ſave himſelf the Trouble of examining, or appointing others to examine particularly into his Steward's Conduct and Accounts; and, in the ſame Manner, when a Nation happens, upon the general View of public Affairs, to be perfectly well ſatisfied with the Conduct of its Miniſters, there is no Neceſſity for a particular Enquiry into their Conduct; but, will any Gentleman ſay, this is our Caſe at preſent? Sir, our Conduct, as Members of this Houſe, is not, in this Caſe, to be directed by our own Opinion. This Houſe is not the Lord to whom our Miniſters are to anſwer for their Conduct: The People is the Lord to whom they are to anſwer, and we are appointed by the People to examine into their Conduct and Accounts. Therefore, when the People in general, or a great Part of them, ſeem diſſatisfied with the Conduct of public Affairs, it is our Duty, whatever we ourſelves may think, to make a ſtrict and impartial Enquiry into the Conduct of our Miniſters, and to call for all Papers that may be neceſſary for that Purpoſe. This is not ſubjecting our Miniſters to a Trial, it is only making them give an Account to the People, of their Stewardſhip, which is an Obligation they lay themſelves under, when they accept of being the Miniſters of the Crown, and conſequently the Stewards of the People; and they ought to be ready to perform this Obligation, when, and as often as the People may pleaſe to require it. I am ſorry it is not performed much oftner than has been uſual of late Years: I am ſure, the oftner it is performed, the more it will redound to the Honour of a good Adminiſtration, the better Safe-guard it will be to the People againſt the Frauds and Oppreſſions of a bad one.

'In private Life, Sir, we know that a good and faithful Steward

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Steward is deſirous of having his Management and Accounts examined and ſettled as often as poſſible: No Man that has honeſt Intentions deſires to have long, or will have perplexed Accounts; and therefore, an Examination of them can give him no Concern, nor can it give him much Trouble, or take up any conſiderable Part of his Time. In public Life, I am convinced it will always be the ſame: When there is no Fraud nor Myſtery in a Miniſter's Conduct, he will be deſirous of having it often enquired into: Such Examination can give him no Trouble, nor take up any Part of his Time; becauſe his Papers, his Vouchers, his Meaſures may be eaſily underſtood, and will juſtify themſelves. Therefore, when I find Miniſters cutting and ſhuffling, and making uſe of all their Art to prevent an Examination into their Conduct, it will always be, with me, a ſtrong Argument for an immediate and ſtrict Enquiry. But now, it ſeems, we muſt not enter upon an Enquiry, becauſe it will take off the Thoughts of our Miniſters from the Proſecution of the juſt and neceſſary War we are at preſent engaged in. Sir, I am ſurprized to hear this Argument made uſe of; for, it is very well known, that none of our Generals or Admirals have had any chief Concern in our Adminiſtration for theſe ſeveral Years, nor has any one of them ever once been employed in our Negotiations; therefore their Thoughts can be no way taken up by an Enquiry into our late Conduct, and I muſt think, that in Time of War, our Generals and Admirals ought to be his Majeſty's chief Counſellors. I wiſh they had been ſo for ſome Years paſt: If they had, we ſhould not, I believe, have ſuffered ſo much by our Negotiations. If the Advice of ſome of them had been followed, I am convinced, the War would have been begun and happily ended long before this Time; and, for this Reaſon, I do not know, but an Enquiry into our paſt Conduct may be one of the beſt Things we can do for the public Good, becauſe it will take up the Time of our Negotiators, and prevent their interrupting our Generals and Admirals in the Proſecution of the War.

'It is not poſſible, Sir, for our Miniſters, with all their Art, to ſhew, that an Enquiry into their pacific Conduct can be attended with any one Diſadvantage to the Nation; and, if any great Part of the People appear diſſatisfied with their Conduct, I have ſhewn, that it is our Duty to enquire into it. Will any Gentleman ſay, that no great Part of the People appear diſſatisfied with our long and tedious Negotiations? While theſe pacific Meaſures were carrying on, the People appeared diſſatisfied with them, and openly

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ſhewed their Diſſatisfaction by many Petitions preſented to this Houſe. Is it poſſible to ſuppoſe, they are now leſs diſſatisfied than they were at that Time? If our pacific Meaſures had ended in an honourable and ſolid Treaty of Peace, they might at laſt have given ſome Satisfaction: The People would have forgot and forgiven the Inſults and Loſſes the Nation was expoſed to, by the Methods that were taken for obtaining ſo good an End. But our Negotiations ended in a moſt inſignificant Convention, which was called the Preliminaries to a definitive Treaty of Peace, but it has ſince appeared to be the Preliminaries to a dangerous War. In theſe Circumſtances, is it not natural for the People to enquire, what Hopes, what Foundation we had for continuing a pacific Negotiation for ſo many Years, under all the Diſadvantages of a real War? Is it not natural for the People to enquire, how we came to allow the Spaniards quietly, on our Part at leaſt, to wreſt from our antient Ally the Emperor, the rich and beautiful Kingdom of the Two Sicilies? Is it not natural for the People to enquire, how we came to put ourſelves to the Expence of ſending a large Squadron to conduct Don Carlos triumphantly to the Poſſeſſion of that Kingdom? And all this, without their giving us the leaſt Satisfaction as to any one Point between them and us. Sir, the People will enquire into theſe Things, and if you do not give them Satisfaction by a previous parliamentary Enquiry, they will condemn as well as enquire: They will go farther, they will condemn you, as to your Characters at leaſt, for not having condemned ſuch a weak and pernicious Conduct. Anno 13, Geo. II. 1739.

'The Honourable Gentleman, Sir, that ſpoke firſt againſt this Motion, miſtook the Caſe very much when he ſaid, the Convention was approved of by Parliament. If ſuch a Queſtion had been put, it would not have paſſed. If the Queſtion had been put in expreſs Terms, approve or diſapprove of that Treaty, it would, I am perſuaded, have been diſapproved of, even by this Houſe: It was diſapproved of by the whole Nation. I am ſurprized to hear it now ſaid, that we got by that Treaty any Reparation for paſt Injuries, or any Security againſt future. If the Spaniards had paid us the 95,000l. thereby ſtipulated, we, or at leaſt our South-Sea Company, muſt have paid them back 68,000l. of that Sum, or have loſt their Right to the Aſſiento Contract; that all the Reparation promiſed was only 27,000l. which was not near equal to the Value of the ſix Ships, the Spaniards had before acknowledged to have been unjuſtly ſeized. Thus it is evident, that no Satisfaction or Reparation was ſo much as ſtipulated for the injured Honour of the Nation,

Anno 13. Geo II. 1739.

and a very inſignificant one for the Loſſes of our Merchants. Then, as to the Point of Search, no Security againſt it was ſo much as ſtipulated: It was expreſly referred to be regulated by Plenipotentiaries; that is to ſay, it was on our Part tacitly given up. We got nothing therefore by that Convention, but a new Fund for Negotiation, as an Honourable Gentleman has already ſaid in this Debate; and this our Miniſters would, I believe, have remained ſatisfied with, for ſome Years longer, if the Spirit of the Nation would have given them leave; but they ſaw they durſt not continue to negotiate any longer upon the former Footing, and Spain would treat with them upon no other.

'This, Sir, was the true Source of the War. Spain did not refuſe to perform her Part of the Convention, becauſe ſhe thought is good for us, but becauſe ſhe ſaw that her making the ſtipulated Payment would not prevent a War, unleſs ſhe likewiſe did us Juſtice with reſpect to the other Points in Diſpute. This ſhe reſolved not to do, and therefore ſhe reſolved not to put 95,000l. into the Hands of a People from whom ſhe expected an immediate Attack. This, Sir, was the true Reaſon why Spain did not pay us the 95,000l. at the Time appointed; but, when I am thus conſidering the Reaſon why Spain did not make that ſtipulated Payment, I cannot but obſerve, that in all her Manifeſto's, ſhe attributes that Non-payment to Agreements which the Parliament never heard of; and this furniſhes us with a new, and a very ſtrong Argument for enquiring into our Negotiations, previous to that Convention, in order to ſee whether the Court of Spain have any juſt Ground for alledging and inſiſting upon ſuch Agreements; for if they have, we ought at leaſt to cenſure thoſe that made ſuch Agreements, before we puniſh Spain for inſiſting upon them.

'Thus, Sir, in every Light the Queſtion can be put, it appears neceſſary for us to enquire into our late pacific Conduct. In no Light can it be ſuppoſed, that ſuch an Enquiry will be attended with any Danger or Diſadvantage to the Nation; and, as the Papers now called for are neceſſary for our Information, upon ſuch an Enquiry, therefore, I hope, the Motion will be agreed to.'

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'I had not the good Fortune of being here upon the firſt Motion, but I have been informed of it, and of the Fate it met with. I think the Houſe was much in the right in putting a Negative upon it, and, I hope, you will do the ſame with regard to the Motion now before you. The Queſtion

is

is not about the Right this Houſe has to enquire into any public Meaſure, or into the Conduct of any public Miniſter. I hope, I ſhall never ſee this Right diſputed hereafter, tho' it has been in former Times warmly conteſted and poſitively denied. But theſe Times, thank God! are over: Our happy Conſtitution is now ſo well underſtood, and the Rights of this Houſe ſo firmly eſtabliſhed, that no Man, I believe, for the future, will ever deny our Right to enquire. But there may be ſuch a Thing as an improper or imprudent Enquiry; and the Queſtion now before us is, whether it would not be improper to enter upon any ſuch Enquiry at this Time, and whether it would not be imprudent to make a public Enquiry into the Conduct of our Negotiations with Spain. Anno, 13 Geo. II. 1739.

'For my own Part, Sir, I ſhould be extremely glad to have thoſe Negotiations enquired into in the moſt ſtrict, the moſt impartial, and the moſt public manner, if no Damage could from thence enſue to the Nation. This, I ſay, I ſhould be extremely glad of, becauſe I am convinced, it would redound very much to the Honour of his Majeſty, and of every one employed by him in carrying on thoſe Negotiations. On his Majeſty's Part nothing would appear but the utmoſt Candour, the utmoſt Regard for the Rights of his People, and the moſt tender Concern for their Tranquillity, Safety, and Happineſs: Whereas, on the Part of Spain, there would appear nothing but Quibble, Chicane, and the moſt diſingenuous manner of treating: Seeming to grant one Day what they denied the next; and continual repeated Promiſes, that all ſhould be made eaſy in a little Time. It is to this that we are chiefly to aſcribe the Tediouſneſs of our Negotiations. His Majeſty, from his Concern for the Peace and Welfare of his People, was unwilling to come to a Rupture with Spain, as long as there were any Hopes left of being able to accommodate all our Diſputes with that Nation in an amicable manner; and theſe Hopes were kept alive by the repeated Aſſurances given, from Time to Time, by the Court of Spain, and the plauſible Excuſes they were furniſhed with, from the great Diſtance of the Places where proper Enquiries were to be made, and from the imperfect Accounts ſent them by their Governors in America.

'Theſe Aſſurances and Excuſes, I ſay, Sir, prolonged our Negotiations, and prevented his Majeſty's reſolving to have Recourſe to Arms, till he ſaw there was no depending upon any Promiſes they could make, or upon the moſt ſolemn Treaty that could be concluded with them; and therefore, I am convinced, a parliamentary Enquiry into theſe Negotiations,

Anno 13, Geo. II. 1739.

Negotiations would redound very much to the Honour of every Gentleman that was concerned either in adviſing or carrying them on. But, I muſt beg leave to think, that they are not a fit Subject for a parliamentary Enquiry, nor is the preſent a proper Time for the Parliament's entering upon a Diſquiſition into any public Meaſure. In all Caſes of a foreign nature, we ought to be extremely cautious of reſolving to enquire into them, in a parliamentary way; becauſe no ſuch Enquiry can be carried on, without running a great Riſk of diſcovering Secrets that may give foreign Courts a great Advantage over us, and ſuch, perhaps, as may render every Court in Europe not a little ſhy of entering into any Negotiation with us. When we have a Miniſter at a foreign Court, it is often neceſſary for him, in his Letters, to give an Account of the perſonal Characters, the particular Intereſts, and the private Converſations of the Miniſters and Favourites of the Court at which he reſides; and, I muſt beg of Gentlemen to conſider, whether Foreigners would think it either decent or honourable in us, to expoſe ſuch Letters to public View, and whether it would not make every Court in Europe extremely ſhy of entering into any future Negotiation with the Court of Great Britain.

'I could mention many other Circumſtances, Sir, which muſt always make it inconvenient and hazardous, to ſet up a parliamentary Enquiry into any foreign Meaſure, but what I have ſaid will, I hope, be ſufficient for convincing you, that no ſuch Enquiry ought to be ſet up, unleſs the Meaſure appears to have been monſtrouſly abſurd, and that, by ſuch an Enquiry, ſome Methods may be found for repairing the Damage the Nation may have ſuffered, or preventing the Danger the Nation may have been led into by that foreign Meaſure. Let us now examine, if either of theſe be the Caſe, with regard to our late pacific Conduct, as Gentlemen are pleaſed to call it. Surely, it cannot be called monſtrouſly abſurd, becauſe it is but two Years ago, that this very Houſe of Commons adviſed his Majeſty to continue his Negotiations, and to uſe his Endeavours with his Catholic Majeſty, to obtain effectual Relief for his injured Subjects. According to this Advice, his Majeſty renewed his Endeavours to obtain Redreſs in an amicable manner, and the Court of Spain now finding that bare Promiſes or Aſſurances would not do, they carried their Diſingenuity ſuch a Length, that they actually agreed to, and ſigned a ſolemn Treaty, within a Year after this Advice was given to his Majeſty, by his Parliament.

'Whether the Convention was a right Treaty or no, is not

not the Queſtion now to be determined, but, I am ſure, this Houſe cannot call it monſtrouſly abſurd; becauſe tho' we did not in expreſs Terms approve of it, we ſo far approved of it, that we adviſed his Majeſty to proceed upon it; and upon the Footing of that Treaty, our Plenipotentiaries immediately inſiſted upon the Crown of Spain's giving up all Pretences to any Right of ſearching our Ships in the American Seas; ſo that I cannot ſee, how we can now ſo much as find fault with that Treaty, or with any of the Negotiations that either preceded or ſucceeded it. But, upon this Occaſion, Sir, I muſt obſerve, that ſome Gentlemen are ſo ſanguine, and ſo much wedded to their own Opinion, that they never think there can be any thing in what is ſaid againſt them; and for this Reaſon, I believe, they never examine the Arguments or Objects of their Opponents with Attention. For my Part, I am not ſo ſanguine: There is no Opinion of mine, where I will not admit, that there may be ſomething in what is ſaid againſt it. This is my Caſe, with regard to the Convention. There was, perhaps, ſomething in what was ſaid againſt it; but upon the whole, I then thought, I ſtill think, the Argument in its favour was ſtronger and better ſupported, than the Argument againſt it. By accepting that Treaty, we have rendered Spain inexcuſeable; whereas, if we had begun Hoſtilities when ſuch Terms were offered us, I am afraid moſt Courts in Europe would have laid the Blame of the War at our Door.

Anno 13, Geo. II 1739.

'Having now ſhewn, Sir, that our pacific Conduct, or our Negotiations, tedious as they were, cannot, by this Houſe, be called monſtrouſly abſurd; I ſhall next examine, whether we can, by enquiring into theſe Negotiations, repair any Damage the Nation has ſuffered, or obviate any Danger it lies expoſed to. If ſuch an Enquiry could any way contribute to our Succeſs in the War, or to the bringing about a ſpeedy and honourable Peace, I ſhould be as much for it as any Gentleman in this Houſe; but, in my Opinion, it may do us great Prejudice in both theſe Reſpects. It may unfold ſuch Secrets, as will make ſome of the Powers of Europe our Enemies that are now our Friends, or ſuch as may inſtruct the Enemy, not only how to defend themſelves, but how to hurt us; and tho' none of our Generals may be directly and perſonally concerned, yet, ſuch a public Conteſt as ſuch an Enquiry muſt neceſſarily occaſion, will take off the Attention of the whole Nation from the Proſecution of the War, and may raiſe ſuch Heats and Animoſities amongſt ourſelves, as will be a great Hindrance to us, and a great Advantage to the Enemy; which fatal Effect we ſhall have the more Reaſon to dread, when we reflect, that there was never

Anno 13, Geo II. 1739.

never yet a parliamentary Enquiry, which did not produce one Party that thought they had diſcovered great Crimes and Miſdemeanors, and another Party that thought they had diſcovered none.

'This, Sir, leads me naturally to conſider the Propriety of the Time for making the Enquiry propoſed. Suppoſe our late Negotiations with Spain were a proper Subject for a parliamentary Enquiry, which, I hope, I have ſhewn, they are not; yet, I cannot think, any Gentleman will ſay, that the very Beginning of a heavy and dangerous War, is a proper Time for us to ſet up ſuch an Enquiry into any Affair, either of a foreign or domeſtic nature, eſpecially when it cannot be ſaid, that there is the leaſt Danger in delaying it, or that we can reap any Benefit or Advantage from it, except the Satisfaction of puniſhing thoſe that were concerned in theſe Negotiations, in caſe it ſhould appear that they have injured their Country by their Crimes, their Neglect, or their Imprudence. Public Juſtice, I ſhall grant, muſt be a Satisfaction to every one who wiſhes well to the Public; but a Delay is no Pardon; and, I hope this War will not be of ſuch a long Continuance, as to out-live all thoſe who were concerned in the Negotiations that preceded it. A proper and ſeaſonable Time will come for enquiring into any or all of our late public Tranſactions: I hope it will come before any of thoſe Perſons are dead, that were concerned in our late Negotiations, and when that Time comes, if an Enquiry ſhould appear neceſſary, I ſhall moſt readily concur in it; and, if any of our Negotiators ſhould appear to have been guilty, either of Weakneſs or Wickedneſs, I ſhall be as ready as any Gentleman in this Houſe, to cenſure or puniſh them.

'For theſe Reaſons, Sir, I think it would be both improper and imprudent in us, at preſent, to make a parliamentary Enquiry into any late public Tranſaction, either foreign or domeſtic; and however general the Complaints, or the Suſpicions may be among the People, againſt our late pacific Conduct with regard to Spain, we ought not, I think, in this Houſe, to do any thing that is either improper or imprudent, for the ſake of giving Satisfaction to thoſe that appear diſſatisfied. But, I do not believe, that the Diſſatisfaction with thoſe Meaſures, is general among the People without Doors, or that it, in any Degree, prevails among the better ſort of People in the Nation. Thoſe few amongſt us that ſuffered by the Spaniſh Depredations in Time of Peace, were, I believe, diſpleaſed with our continuing to negotiate after they had ſuffered, and I do not at all wonder at it; for it is natural for Men to judge of the public Intereſt, from their own

own private Intereſt and Paſſions; but it is the Duty of thoſe who are at the Helm of public Affairs, to lay aſide all private Regards, either of their own, or of any Man elſe, and to conſider the public Intereſt alone. I wiſh we could always do ſo in this Houſe: If we did, we ſhould judge more candidly of one another's Intentions, as well as of the Intentions of our Miniſters; for, I am ſure, it is more their Intereſt to conſult the public Good in all their Tranſactions, than it is the Intereſt of any other Set of Men in the Kingdom, becauſe not only the Intereſt of their Country, which is common to them on other Subjects, but their perſonal Safety and Glory depends immediately upon their doing ſo. Therefore, when we are to direct our Conduct in this Houſe by the Opinion of our Conſtituents, if ever ſuch a Caſe is to be admitted, we ſhould conſider ſeriouſly, not only the general Prevalency of ſuch Opinions, but whether or no they are founded upon particular Intereſts, or popular Prejudices; and, if we do this, I am convinced, we ſhall find no Cauſe to ſhew any Regard to the Complaints or Suſpicions without Doors, againſt our late pacific Conduct. Anno 13, Geo II. 1739.

'But now ſuppoſe, Sir, that the preſent were a proper Time for enquiring into the Conduct of our late Negotiations, and that we ought in Prudence to do ſo, yet I cannot think it would be either proper or neceſſary for us to call for the Papers now moved for; neceſſary it cannot be, Sir, with reſpect to moſt of the Papers called for; becauſe the Letters and Inſtructions to our Governors, Admirals, or Conſuls, can have nothing to do with our Negotiations; and if they were neceſſary, I do not think it would be proper at this Time to call for them. Upon this Subject, Sir, it is hardly poſſible for me to ſpeak without running the Riſk of being miſunderſtood, ſo ready are Gentlemen to miſtake Suppoſitions for Aſſertions. However, as we had one Squadron in the Mediterranean, and another in the Weſt-Indies, I ſhall ſuppoſe, that there might have been Orders or Inſtructions ſent to Admiral Haddock in the Mediterranean, or to Commodore Brown in the Weſt-Indies, to execute ſome Deſign againſt the Spaniards, in either, or both theſe Places, as ſoon as they ſhould hear from our Miniſter at the Court of Spain, that the Negotiations were broke off without any Effect. This, I ſay, I only ſuppoſe; I muſt deſire Gentlemen to take notice, I do not aſſert; but it may be ſuppoſed, becauſe a Meſſenger could go much ſooner from Spain to either of theſe Admirals, than he could come to London, and from thence back again either to the Mediterranean or Weſt-Indies. Tho' the Spaniards at that Time prevented the Execution of thoſe Deſigns, by their agreeing to the Convention,

Anno 13, Geo. II. 1739.

Convention, yet now that they have broke that very Convention, thoſe Deſigns, if there were any ſuch, or ſomething like them, are certainly propoſed to be executed; and if ſo, it would certainly be very wrong to have them diſcovered, by having the Papers now called for laid before us, before they are or can be executed. In ſuch Caſes I ſhall grant, that his Majeſty is the proper Perſon from whom this Houſe is to take an Anſwer; but I ſhall never be for calling for Papers, when I think it highly probable, that his Majeſty cannot order them to be laid before us, without unfolding Secrets which ought not to be diſcovered; and as I take this to be the Caſe with regard to the Papers now called for, I muſt be againſt the Motion.'

This Debate ended in a Negative on the Motion, without a Diviſion.

Debate on the third Motion.

Edmund Waller Eſq;

SIR;

Edmund Waller, Eſq;

'Notwithſtanding the bad Succeſs my worthy Friend has met with in his Motion, yet I will offer another, and I do it with the more Aſſurance, becauſe the Motion I propoſe to make, relates but to one particular Point, and cannot diſcover any of our deep-laid warlike Deſigns, nor any Secret that can be of dangerous Conſequence to the Public. It can diſcover no ſecret Deſign, unleſs it be a Deſign to ſacrifice the South Sea Company to the Succeſs of our Negotiations; and, if there was any ſuch Deſign, I am convinced every Gentleman will think, 'twould be of more dangerous Conſequence to the Public to have it remain concealed, than to have it now revealed. But before I make my Motion, I muſt obviate ſome of the Objections that were made by the Hon. Gentleman who concluded the laſt Debate, againſt Enquiries in general. If his Objections were to hold good, it would never be prudent in this Houſe to enquire into the Conduct of any foreign Affair, for in every ſuch Affair, there may be Secrets in ſome of the Letters or Papers relating to it, that ought not to be publiſhed for a Century, at leaſt, after its final Concluſion. But in all ſuch Caſes, we have a Remedy which may be eaſily, and has been often applied. When upon our Addreſs, his Majeſty anſwers, that ſeveral of the Papers called for, contain Secrets which ought not to be diſcovered, we may name a Secret Committee to inſpect ſuch Papers, and to report ſuch Parts of them only, as are neceſſary and fit to be communicated; and a Secret which regards the public Safety or Welfare, may be as ſafely entruſted

truſted to a ſelect Committee of this Houſe, as to any Committee of his Majeſty's Privy Council. The Danger of a Diſcovery can therefore never be a ſolid Objection to our enquiring into any Affair, either of a foreign or domeſtic Nature; and much leſs can it be an Objection to our addreſſing for any Papers; becauſe, till we have his Majeſty's Anſwer, we cannot know, nor ought we to ſuppoſe, they contain Secrets which ought not to be diſcovered. Anno 13, Geo. II. 1739.

'I ſhall always think, Sir, notwithſtanding the Fate of the two former Motions, that it would be wrong in this Houſe to refuſe calling for any Papers, becauſe ſome amongſt us ſay, they think it probable, that ſuch Papers contain Secrets, which ought not to be diſcovered. It was, in my Opinion, ſo far from being highly probable, that I think it was impoſſible the Inſtructions to our Admirals could contain any ſecret Schemes or Deſigns; becauſe no ſuch Schemes or Deſigns have been, as yet, executed with the utmoſt Expedition, in caſe our Negotiations ſhould have broke off, ſurely they ought to have been executed with as much Expedition, after the Convention's being broke through. It is now ſix Months ſince the Convention was openly broke thro' by the Spaniards, and as we have, as yet, heard of the Execution of no hoſtile Schemes, I muſt believe, there were none ſuch formed, and much leſs communicated to our Admirals or Governors, till after we found, that the Spaniards would not perform what they had ſo expreſſly agreed to in the Convention.

'I beg Pardon, Sir, for touching upon what is paſt, but as it may be of ſome Weight with reſpect to the Motion I am to make, I hope the Houſe will excuſe me. The Hon. Gentleman aſk'd us, what Advantage can we expect from an immediate Enquiry, beſides that of puniſhing the Guilty? which, he ſays, we may do afterwards as well as now, if any ſhould then appear to have been guilty. I will tell him one Advantage, Sir, which we may reap by an immediate, and cannot reap by a future Enquiry: We ſhall prevent the Guilty from being farther guilty, as they probably may be, if their paſt Conduct is not immediately enquired into. This, Sir, is an Advantage of the utmoſt Conſequence in our preſent Situation: The Nation may be undone by our not laying hold of it: If our pacific Meaſures were carried on by imprudent, puſillanimous, perplex'd Counſels, what will become of the Nation, if our warlike Meaſures be carried on by Counſels of the ſame Sort? Beſides, before the War can be concluded, we muſt have new Negotiations; and, ſhall we allow our future Negotiations to be directed and carried on by thoſe

Anno 12, Geo II. 1739.

who have been guilty of ſo much Weakneſs in our paſt? This, Sir, will probably be the Caſe, if we do not immediately enquire into the Conduct of our paſt Negotiations; and therefore, if we do not enquire, I ſhall expect no Succeſs in the War, nor any Honour from the Peace.

'For this Reaſon, Sir, I hope, the Hon. Gentleman's Arguments againſt an immediate Enquiry will have no Effect; and, if we ſhould not think fit to make a general Enquiry into all our Negotiations, for fear of diſcovering Secrets that may be of dangerous Conſequence to the Public, I hope, this will be no Argument againſt our enquiring into ſuch Parts of them as cannot poſſibly contain any ſuch Secret. Of this Sort, I take to be that Part of them which relates to the concluding and ſigning the late Convention, under the Condition expreſſed in his Catholic Majeſty's Declaration; for that Declaration I muſt look on as a Condition annexed to the Convention; and, from Mr La Quadra's, and from Mr. Keene's own Letters, ſome Parts of which I ſhall beg Leave to read to you, it appears to have been looked on as ſuch, by the Court of Spain, and to have been accepted as ſuch, by him. (Here he read ſeveral Paragraphs from Mr. La Quadra's and Mr. Keene's own Letters, ſome of which our Club had got Copies of.) From what I have read to you, Sir, it appears, that the Court of Spain inſiſted upon its being declared, that they had a Right to ſuſpend the Aſſiento of Negroes, in Caſe our South Sea Company did not ſubject herſelf to pay, within a ſhort Term, the 68,000 l. ſhe had confeſſed to be owing to his Catholick Majeſty. It appears, that they not only inſiſted upon a Declaration of this Right, but that they would not truſt to his Word; they muſt have it in Writing; and the Method contrived for that Purpoſe was, that his Catholic Majeſty ſhould make ſuch a Declaration in Writing, and that he, Mr. Keene, ſhould accept of it, and tranſmit it to his Court, as the Condition on which the Signing of the Convention was to be proceeded on, and in no other Manner.

'This, I ſay, Sir, appears from the Letters we have already upon our Table; and as the South Sea Company neither owed, nor ever had confeſſed they owed ſuch a Sum; as Mr. Keene muſt have known they did not, becauſe he was Agent for them, as well as Envoy from his Majeſty, at the Court of Spain; I cannot imagine, how he came to admit of any ſuch Right, or receive ſuch a Declaration; nor can I imagine, how he could have an Authority for ſo doing; for, regularly, he ought to have had an Authority from a General Court of the South Sea Company for

for this Purpoſe, as well as an Authority from his Majeſty's Miniſters, and the former, I am certain, he never had, whatever might have been his Caſe with reſpect to the latter. Anno 13. Geo. II. 1739.

'As this ſeems to me to have been a very ſurprizing and extraordinary Step, and as the Papers relating to this Part of our Negotiations can diſcover no Schemes or Deſigns againſt the Enemy, nor any other Secrets that can be of dangerous Conſequence to the Public; therefore, I ſhall conclude, Sir, with moving, That, &c.

William Pulteney, Eſq;

SIR,

'As I hear ſeveral Gentlemen calling out No, No, this is the ſame with the former Motion; I muſt beg Leave to ſhew the Difference: The only Objection that ſeemed to have any Weight againſt the former Motion, and, I believe, the only one that prevailed with this Houſe to put a Negative upon it was, the Danger of diſcovering thoſe warlike Projects and Deſigns againſt the Enemy, which our Miniſters had concerted, and which are not yet executed. I am ſorry they are not: I am ſure, ſome of them, if any ſuch have been formed, might, and ought to have been executed before this Time. Can any Gentleman ſay, we have ſuch a Danger to apprehend from the Papers now moved for? Can it be ſuggeſted, that theſe Papers may contain Secrets which it would be inconſiſtent with the public Safety to diſcover? Sir, they may, for what I know, contain Secrets, but if they do, thoſe Secrets are the Secrets of Miniſters, and not the Secrets of the Nation. It is impoſſible, therefore, to ſuppoſe, that the laying of thoſe Papers before us, can be attended with any of the bad Conſequences we were frightened with upon the laſt Motion. William Pulteney, Eſq;

'An Hon. Gentleman near me complained much in the laſt Debate, of Gentlemens talking of weak Meaſures, and the like; and ſeemed to take all to himſelf, as if he were the only Miniſter we have in this Kingdom, and the chief Adviſer of all our public Meaſures. Sir, we have other Miniſters, at leaſt others who have the Name of Miniſters, and, I hope, they deſerve the Name they bear; for, I am ſure, if any one Miniſter ſhould, in this Kingdom, take upon him to direct all our other Miniſters, they ought all together to be diſmiſſed his Majeſty's Councils: He, for his aſſuming Arrogance; and they, for their tame Submiſſion. But, I hope, it is not ſo, and therefore, when weak Meaſures or corrupt Miniſters are talk'd

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of, the Hon. Gentleman ſhould conſider, that other Miniſters may be meant, and Meaſures which he had no Share in adviſing or conducting. He likewiſe complained, that his Suppoſitions were often taken for poſitive Aſſertions. When this was, I do not know; but, I muſt obſerve, that the very Inſinuations of a Miniſter are often, by his own Creatures, taken for poſitive Aſſertions, and produce the ſame Effect; and as the Hon. Gentleman, in the laſt Debate, took the Liberty to ſuppoſe without aſſerting, whatever Effect his Suppoſitions might have, I hope, I may be allowed to take the ſame Liberty. I will not aſſert, Sir, that any of our preſent Miniſters are corrupt, or that any of our paſt Meaſures were weak; but, I may ſuppoſe ſuch Things. There may be corrupt Miniſters; there may be weak Meaſures; God forbid, I ſhould aſſert, there are any ſuch at preſent in this Kingdom; but, if ſuch Things can be ſuppoſed, it is a good Reaſon for our Parliaments to keep a watchful Eye upon our public Affairs, and to enquire often both into the Conduct of our Miniſters, and the Wiſdom of the Meaſures they purſue. This is at all Times the Duty of Parliament, but more ſo in Time of War, than in Time of Peace; becauſe weak Meaſures may then do much more Miſchief; and as Miniſters have then more Money going thro' their Fingers, they may, if they are corrupt, ſpread their Corruption farther, and ſquander away more of the Public Money, than they can do in Time of Peace.

A Time of War is, therefore, ſo far from being an improper Time for a Parliamentary Enquiry, that ſuch Enquiries are more neceſſary, and ought to be more frequent in Time of War, than in Time of Peace. Such Enquiries, Sir, never of themſelves create Parties or Diviſions in the Kingdom, nor do they ever raiſe any Heats or Animoſities. Indeed, when there are Parties already formed upon different Principles, and governed by different Maxims, and one of thoſe Parties gets the Reins of Government out of the Hands of the other, and proſecutes the Heads of the other, for what they did in Purſuance of the Principles and Maxims of their Party, this of courſe ſtirs up Heats and Animoſities between the two Parties, becauſe all thoſe who have embraced the Principles and Maxims of the Party, muſt approve of, and conſequently will zealouſly endeavour to juſtify and ſupport, what was done in Purſuance of thoſe Principles and Maxims. This was the Caſe of the Parliamentary Enquiry mentioned in this Debate; but, is this the Caſe at preſent? Sir, the Enquiry now deſired by ſo many Gentlemen in this Houſe, and, I may ſay, by the whole

whole Nation without Doors, has no Relation to any Difference of Principles: It can relate to nothing but the good or bad Adminiſtration of public Affairs. No Man condemns, no Man will condemn the Principle upon which our pacific Gentlemen pretend to have acted: No Man will ſay, that forcible Means ought to be made uſe of for obtaining Juſtice from any foreign Nation, whilſt there are Hopes of obtaining Juſtice in an amicable Way; but, it is ſaid, and loudly ſaid without Doors, that our pacific Gentlemen did not act upon this Principle, or purſued it too far, if they did. This is the Queſtion, Sir: Upon this Queſtion there will be a Difference in Opinion, whether we enquire into it or no; and we ought to enquire, in order to put an End to that Difference; for, I believe, it will be allowed, that thoſe who approve, as well as thoſe who condemn, are at preſent in the Dark; and as the Majority of the Nation are now of the latter Side of the Queſtion, therefore, as a Friend to our Miniſters, I am for a fair and impartial Enquiry, becauſe, I hope, it will bring the Majority of the Nation over to their Side of the Queſtion.

'If there were no Cauſe to ſuſpect our late Meaſures of any Weakneſs, if there were no conſiderable Party in the Kingdom, that appeared diſſatisfied with them, it might, perhaps, be unneceſſary to take up our Time with examining into them; but this is far from being the Caſe: There is not only good Cauſe to ſuſpect, but upon the Face of the Convention, there appears now to be good Cauſe to condemn. When that Convention was laſt Year laid before us, ſome Gentlemen did not, perhaps, conſider what was meant by having the Point of Search referred to be regulated by Plenipotentiaries, nor did they conſider what was meant by his Catholic Majeſty's Declaration that was tacked to the Tail of it. But the King of Spain, in his Manifeſto, has now explained both. He has told us our Plenipotentiaries could not inſiſt upon his giving up the Point of Search, becauſe by the Convention it was expreſsly referred to be regulated. He has told us, we could not refuſe allowing him to ſuſpend the Aſſiento of Negroes, in caſe our South-Sea Company did not pay him the 68,000l. becauſe he had expreſsly, by his Declaration, which was a Part of the Convention, reſerved to himſelf that Right. This is the Light, Sir, in which all Europe, I believe, conſiders them; and in this Light I then conſidered them. I then ſaid, that referring a Right to be regulated, was an admitting that there was ſuch a Right. I then ſaid, that our Miniſter's accepting of the Declaration, was an admitting it as a Part of the Convention, and as the Condition upon which the Convention was to ſubſiſt. We

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therefore ought to enquire, whether Mr. Keene had a proper Order for accepting it: If he had not, he was certainly guilty of a Breach of his Duty; and, in my Opinion, no Miniſter could give, or adviſe giving him ſuch an Order. The Right, the Eſtate of a great Company was thereby given away, and will any Gentleman ſay, a Miniſter can give away a Perſon's Eſtate without his Conſent? If we had been reduced by the Misfortunes of War to ſacrifice the Rights and Properties of a few private Men to the public Safety, ſomething might have been ſaid by way of Excuſe for ſuch a Sacrifice; but ſurely no Miniſter is wantonly, and without ſo much as an Appearance of Neceſſity, to give up the Right or the Property of any one Subject in the Kingdom without his Conſent. Therefore, as the accepting of that Declaration in the ſolemn manner, the Letters that have been read to you, ſhew it was accepted of, muſt be allowed to be at leaſt a Weakneſs, I think it abſolutely neceſſary for us to make ſome Enquiry into that Affair, and for this Purpoſe we muſt have the Papers moved for, laid before us.'

Sir William Yonge.

SIR,

Sir William Yonge.

'I am glad of this Opportunity to vindicate an Honourable Gentleman who was concerned in theſe Negotiations, and who, from the whole Tenor of his Conduct, appears to have been as able and as honeſt a Miniſter, as was ever employed by this Nation. As for the Convention itſelf, Sir, he has already been fully juſtified with regard to every Article contained in it, becauſe the whole was approved of by his Majeſty, and by both Houſes of Parliament; and after the ſolemn Approbation it met with from all the Branches of our Legiſlature, I am ſurprized to hear any Gentleman now finding fault with it, or with any one that was concerned in the Negotiation. All the Objections that were made to it, were fully anſwered at the Time it was under our Conſideration; and as the Objections now made, are only Repetitions of what was then fully anſwered, it would be wrong in me to take up your Time with repeating thoſe Anſwers.

'Sr, the Honourable Gentleman may as well ſay, that every Letter wrote by Mr. La Quadra to Mr. Keene, was a Part of the Convention, as to ſay, that a Declaration ſigned by Mr. La Quadra only, was a Part of a Treaty which was concluded and ſigned by the Miniſters of both the contracting Parties, and ratified by their reſpective Sovereigns. By ſuch a Declaration the King of Spain could neither get a new Right, nor the Confirmation of any old Right. He did not ſo much as mean to get any ſuch thing. He thereby meant

meant no more, than to reſerve to himſelf a Right to ſuſpend the Aſſiento of Negroes upon Non-performance on the Part of our South Sea Company. This he thought he had a Right to do, becauſe of the Aſſiento's being a mutual Contract; and he thought it neceſſary to reſerve this Right, by a Declaration in Writing, becauſe the Aſſiento Treaty was, among the reſt, mentioned in the Body of the Convention; but Mr. Keene had nothing to do with this Declaration: He did not admit the Right which his Catholic Majeſty pretended to, nor did he accept of the Declaration with any ſuch View, or for any ſuch Purpoſe. He only promiſed, he would ſend a Copy of it to his Court, and another to the South-Sea Company. Mr. Keene, therefore, cannot be ſo much as ſuſpected of having done any thing amiſs in that Negotiation; and as the Treaty itſelf was approved of by Parliament, I can ſee no Occaſion for our enquiring into the Negotiation.

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'But, Sir, ſuppoſe there were an Occaſion for our doing ſo, can we, conſiſtently with what we have this Day already done, agree to the Honourable Gentleman's Motion? The Motion ſeems, indeed, to refer to a particular Point, but it will include all or moſt of the Papers referred to in the two former Motions; and therefore, the ſame Reaſon that prevailed with us to put a Negative upon them, muſt prevail with us to put a Negative upon this alſo. Beſides, Sir, if Spain could have been prevailed on to have accepted of ſome few reaſonable Conceſſions on our Side, I believe it will be allowed, that it would have been prudent in us to have made ſome ſuch Conceſſions, rather than have come to an open Rupture with a Nation, we have ſo much Reaſon to be Friends with, and at a Time which, I am ſure, cannot be called the moſt favourable for this Nation's declaring War. It is, therefore, highly probable that Mr. Keene had Inſtructions to propoſe or agree to ſome ſuch Conceſſions: I ſhall not ſay there were any ſuch, but, now that War is declared, would it not be unwiſe, would it not be ridiculous in us, to let Spain know what Conceſſions we were willing to make for the ſake of Peace? And, if our Miniſter's Inſtructions for this Purpoſe were all laid before this Aſſembly, and ordered to lie on our Table, can we ſuppoſe, that the Court of Spain would not get an Account of them? Sir, I make no queſtion, but that Copies of them would be ſent to that Court; and this would certainly contribute towards making them more obſtinate, and conſequently, towards the Prolongation of the War; for whatever Conceſſions we might have been willing to make for preventing a War, now it is begun, I hope we ſhall have no Occaſion to make any

for

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for putting an End to it. I hope the War will be attended with ſuch Succeſs, that we ſhall ſoon be in a Condition to preſcribe our own Terms. It will probably be ſo, if we do not prevent or retard our Succeſs, by Factions and Diviſions amongſt ourſelves. But, if Spain ſhould know what Conceſſions we were willing to make for the ſake of Peace, will ſhe not the more obſtinately perſiſt in refuſing the Terms of Peace we may hereafter think fit to preſcribe?

'From hence, Sir, we may ſee, that it would probably be of a moſt pernicious Conſequence to the Nation, to have thoſe Papers laid before us; and therefore, it muſt be allowed, that it would be wrong in us to addreſs for them.'

Samuel Sandys, Eſq;

SIR,

Samuel Sandys, Eſq;

'I am extremely ſurprized to hear Gentlemen ſtill inſiſt upon the late Convention's having been approved by Parliament. Sir, it was not approved by either Houſe of Parliament: An Honourable Gentleman in the laſt Debate allowed, that it was not approved; and ſaid, the Parliament only adviſed his Majeſty to proceed upon the Footing of that Convention. Why did they ſo, Sir? Becauſe that very Gentleman and his Friends moſt confidently aſſured us, that it would, at laſt, produce a ſafe and honourable Peace. Upon theſe Aſſurances, the Advice of Parliament was founded, and not upon any thing that appeared upon the Face of the Treaty. Gentlemen then thought, that if it ſhould produce a ſafe and honourable Peace, it would in the End appear to be a good Treaty; and therefore they would not condemn it, becauſe ſuch a Condemnation would have prevented an Effect which they were aſſured of, and which every Man deſired to ſee. But theſe Aſſurances having failed, the Foundation the Parliament had for giving that Advice is taken away; and every one muſt now join in thinking it a bad Treaty, becauſe it put the Nation to near half a Million Expence, without gaining to us the leaſt Advantage; unleſs the War is to be called an Advantage, and when compared with our former peaceable Negotiations, it muſt be allowed to be ſo. But even the War is not to be aſcribed to that Treaty, but to the Diſdain the Nation ſhewed at ſeeing ſuch a Treaty agreed to; for the Treaty itſelf was nothing but an Expedient, for preventing our reaping this melancholy Advantage for a while longer, and the Advice of Parliament was obtained as a ſecond Expedient, for preventing the Condemnation of the firſt.

'With regard, Sir, to the Declaration or Proteſt tacked to the End of this Treaty, I remember it was ſaid laſt Year, that

that it had no more Relation to the Convention, than it had to the grand Alliance; and this was then, perhaps, believed by many Gentlemen in this Houſe: But it now appears, that the Court of Spain are of a very different Opinion; and, I believe, there is not a Civilian in Europe that is not of their Opinion. Our Miniſter accepted of it in the moſt ſolemn manner; and ſeeing he did ſo, he muſt have accepted it in the Terms expreſſed in the very Body of it, as the Baſis of the Treaty, as the Condition upon which the King of Spain ſigned the Convention; therefore, if it was not an Article in the Treaty itſelf, it was the chief Article in the Agreement previous to that Treaty. This, I believe, Sir, was truly the Caſe, and if the Papers now called for ſhould be laid before us, I believe, it will appear to have been ſo; for there was a Treaty ſigned by the Miniſters on both Sides, anterior to the Treaty afterwards laid before Parliament, and in this Treaty, if common Fame ſpeaks true, this Declaration, or the Subſtance of it, was an expreſs Article; but this was giving up the Right of the Nation, and the Right of the South-Sea Company, in ſo direct a manner, that it was not thought ſafe to ratify it; and therefore, I ſuppoſe, the Expedient was agreed to, of having this Article annexed to the Treaty, by way of Proteſt or Declaration. Anno 13, Geo. II. 1739.

'But, Sir, was not this in effect the ſame? Was not our accepting, or even admitting ſuch a Declaration to be made, a tacit Acknowledgment of the Right therein claimed? The King of Spain pretended to a Right of ſuſpending the Aſſiento Contract, upon whatever he may be pleaſed to call a Non-performance, on the Part of our South-Sea Company. He not only pretended to ſuch a Right, but he has actually exerciſed it: He has ſuſpended the chief Part of this Contract, almoſt ever ſince it was made; and, upon a Treaty, he inſiſts on this Right being reſerved to him, either by an Article in the Treaty, or by a Proteſtation to be delivered to us in the moſt ſolemn manner, at the Time of his ſigning the Treaty. Could we in Honour, or in Juſtice to ourſelves, admit of any ſuch thing? Ought we not to have inſiſted upon his giving up ſuch an unjuſt Claim, by an expreſs Article in the Treaty? But I do not wonder at our Miniſter's admitting it: The Honourable Gentleman that ſpoke laſt, ſeems to admit it; and he is, I believe, pretty well acquainted with the Complexion of our Negotiators. He told us the King of Spain thought he had ſuch a Right, becauſe of the Aſſiento's being a mutual Contract. I ſhall grant, it is a mutual Contract; but it is between the two Nations: We have appointed the South-Sea Company to perform it on our Part; if they ſhould fail in the Performance

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of what they have undertaken, the King of Spain is not to ſuſpend, immediately, the Contract: He has no Right to do ſo: He ought to apply to our Court; and, if the South-Sea Company has really failed in the Performance, we are in Honour obliged to make them perform. If they have not failed: If the Complaint againſt them be unjuſt, we are in Honour obliged to protect them, let the Conſequence be what it will.

'We ought therefore, Sir, to have inſiſted upon the King of Spain's giving up the Right he pretended to; but, inſtead of this, we allowed him to reſerve it in a tacit manner, and allowed him to deliver us a Proteſtation for that Purpoſe. We have, therefore, at leaſt, tacitly, admitted of his Claim. The Court of Spain thought ſo: They had Reaſon to think ſo; and they will accuſe us of Tricking and Shuffling, if we now pretend to deny it. We muſt now, either acknowledge this Right, or give the Spaniards juſt Cauſe to have a very bad Opinion of us. This Dilemma the Nation has been brought into by our Negotiators; and, in all ſuch Caſes, it is the Duty of Parliament to enquire ſtrictly into the Affair, in order that the Innocent may be cleared of Suſpicion, and the Guilty meet with condign Puniſhment.

'The Pains now taken, Sir, to ſhew, that we never did admit of this Claim, is an Acknowledgment that it was wrong to do ſo. Suppoſe then our Miniſter in Spain did not admit of this Right or Claim, by accepting of this Declaration, yet, ſurely he did ſo, when he ſigned a Treaty in which the Reſervation of this Right was an expreſs Article; and, if he did ſo, that Treaty's not being ratified here, can be no Excuſe for his having ſigned it. For this Reaſon, if there was any ſuch Treaty, as common Fame reports, Mr. Keene is not altogether ſo blameleſs as the Honourable Gentleman repreſents, unleſs he had an expreſs Order for doing ſo; and if he had, I am ſure thoſe who gave him that Order, are not without Blame. This is what we want to know: This is what we ought to enquire into; and, for this Purpoſe, it is neceſſary for us to have the Papers now moved for, laid before us.

'Is it poſſible to ſuppoſe, Sir, that by an Addreſs for the Inſtructions and Letters ſent to Mr. Keene, authorizing him to conclude and ſign the Convention; I ſay, is it poſſible we can thereby mean or deſign, to have laid before us all the Memorials and Repreſentations made to the King of Spain, or all the Inſtructions and Letters ſent to our Governors or Admirals, relating to the Spaniſh Depredations, moſt of which happened before the Convention was ſo much as thought of? Sir, it is needleſs to argue with one who can, or will

will ſuppoſe any ſuch thing. But the Honourable Gentleman has hit upon the true Reaſon that will, I am afraid, prevent our ſeeing the Papers called for, or any other of the like nature. He ſays, our ſeeing thoſe Papers may let Spain ſee what Conceſſions we were willing to make for the ſake of Peace. Sir, I believe, we have no Occaſion, to be afraid of Spain's ſeeing theſe Conceſſions: I believe, they were before too well acquainted with them; and this, I believe, was the chief Cauſe of their paſt Obſtinacy; for, I fear, we made ſo many Conceſſions, that we made them believe, we would yield any thing rather than go to War. Thank God! we have now convinced them of the contrary; and are, I hope, in a way of making them more pliable for the future. But if we were willing to make any Conceſſions which Spain has not, as yet, been made acquainted with, I can ſee no Danger to the Nation, if they ſhould be publiſhed to the whole World. They may ſhew too great Complaiſance, perhaps Puſillanimity, in our Miniſters, but they will ſerve to juſtify the Nation to the whole World; and with regard to Spain, I hope, we ſhall never more think of conquering their Obſtinacy by Negotiation. Now that War is declared, if one Blow does not make them ſubmit, we muſt, as ſoon as poſſible, give them another; and if that will not do, a third, which, I am convinced, is the ſpeedieſt and the beſt way of negotiating a Peace with that Nation. We cannot therefore be afraid of Spain's ſeeing what Conceſſions we were willing to make for the ſake of Peace; but there may be ſome amongſt us who are afraid, leſt the Nation or Parliament of Great Britain ſhould ſee what Conceſſions they were willing to make for the ſake of Peace. Here, I am convinced, it is, Sir, that the Shoe pinches; but as this Shoe neither pinches me, nor any of my Friends, and as, I think, the Parliament ought to guard againſt any ſuch Conceſſions being made for the future, therefore, I am for our ſeeing them, and every Paper that can give us a Light into any of them.'

Anno, 13 Geo. II. 1739.

George Littleton, Eſq;

SIR,

'It is moſt amazing to me, to hear it ſaid, that this Queſtion is the ſame with the two former; whereas, it is a ſingle Queſtion, wholly confined to one particular Point. The Objection made to them was, that they would ſhew our Enemies where we intended to hurt them, and thereby put them upon their Guard; but what does this do? It can only ſhew this Nation how we have been ſerved by our

George Littleton Eſq;

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own Miniſters, and put is upon our Guard againſt them, if they have not ſerved us ſo well as they ought.

'Sir, I always thought it very neceſſary we ſhould go into a War againſt Spain, but I am much confirmed in my Opinion, from what has happened to Day in this Houſe; for what a Condition ſhould we have been in, if we had ſtill continued thoſe Negotiations, which, tho' they are now quite over, are thought by thoſe who favoured them moſt, to be of ſuch a Nature as will not bear ſeeing the Light? And therefore, I really think, we are obliged to the Inſolence of Spain, who, encouraged by our long Inſenſibility, refuſed to give us the Meſs of Pottage, for which we were ſo near ſelling our Birth-right. For what a dreadful Situation ſhould we have been in, if ſhe had not? The South-Sea Company muſt either have loſt all the Rights of their Trade, or have been obliged to comply with the moſt monſtrous Demand, that ever was made upon any Body of Men under the Protection of the King of Great Britain. Gentlemen talk of a Right in the King of Spain, to ſuſpend the Aſſiento Contract: Yes, he had ſuch a Right, if the Company had fail'd in their Part of the Contract; but not for their refuſing to pay the 68,000l. And yet, to this Injuſtice, this Violence, the Company muſt have ſubmitted, with the reciprocal Accord of their own Agent, and his Majeſty's Miniſter.

'Sir, the two moſt aſtoniſhing Propoſitions I ever heard in my Life, are, that the Addreſs we carried laſt Week to the King was, in reality, a Part of the Convention, and that the Proteſt of Mr. La Quadra, was not a Part of it. It was the *ſine qua non* of the Agreement, under which the Convention was ſigned, and we ſhould have found it ſo to our Coſt, if the Spirit of the Nation had not exerted itſelf; but becauſe we eſcaped the Danger, muſt we loſe the Senſe of it too? I hope we ſhall act ſo in this War, as to make all Europe forget, how we acted before; but let us not forget it ourſelves: Let us keep it always in our Thoughts, to be a Warning to us, not to relapſe any more into that Itch for Negotiation, that Love of little ſhuffling Expedients, that mean ſubmiſſive Policy, we are ſo happily rid of at laſt. Let us remember the Riſk we run, and let us enquire to whom it was owing.

'Sir, I think we ought to demand theſe Inſtructions upon the ſame Principle of Equity, by which an innocent Man, who has been tried for his Life, and eſcapes, is allowed a Copy of the Indictment, that if he has a Mind to proſecute thoſe who brought him into that Danger, he may. I will add but two or three Words more to the Trouble

Trouble I have given you. The People of England are not ſo ignorant as ſome Perſons ſuppoſe: They know the Convention from the Exciſe: They know what they ſhould think of it: They would be glad to know whom they owe it to; and they will underſtand perfectly well, if a Negative be given to this Motion, what that Negative means.' Anno 13. Geo. II 1739.

Sir John Barnard.

SIR,

'As I have often heard a certain Set of Gentlemen inſiſt upon it, both here and in other Places, that the Declaration or Proteſt in Queſtion, had no Manner of Relation to the Convention, I ſhould be glad thoſe Gentlemen would inform us what it had Relation to, or for what Purpoſe it was made, and ſo formally accepted of. I am very certain, the Court of Spain meant ſomething by making it; I am convinced they ſuppoſed we meant ſomething by receiving it. If they had meant, or intended to mean nothing, I am ſure, they would not have made it; and if we did not mean to accept it in the Terms in which it was conceived, and for the Purpoſe which, we knew, they meant by it, I am ſure our Miniſter, at leaſt, meant to deceive them. Therefore, if we received it as the Spaniards meant it; if we received it as the Condition on which the Signing of the Convention was to be proceeded on; I am very ſure, the Conduct of our Miniſter ought not only to be enquired into, but cenſured. And, if we meant to deceive the Court of Spain, by receiving that Declaration; if we thereby meant to draw the Court of Spain in to ſign a Convention, under the falſe Hopes, that we would look upon that Declaration in the ſame Light they did, the Conduct of our Miniſter, in my Opinion, deſerves as much to be cenſured in this Caſe, as in the other. Sir John Barnard

'Openneſs of Heart, Sincerity, and Plain-dealing, have always been a diſtinguiſhing Characteriſtic of this Nation. It is generally the Characteriſtic of a brave People. By continuing our Negotiations under ſo many Inſults, I am afraid, we gave the Spaniards ſome room to ſuſpect our Courage: I hope we have not, in our Method of Treating, given them room to ſuſpect alſo our Sincerity. Sir, this Nation had never yet an Occaſion to make uſe of Quirks or Subterfuges, or of any ſort of Deceit, for obtaining Juſtice. A Convention of ſome kind or other might, at that Time, be neceſſary for ſome amongſt us here at Home, as an Expedient for excuſing themſelves to the enſuing Seſſion of Parliament, but it was not neceſſary for the Nation; and therefore, if deceitful Means were uſed for obtaining the Concurrence

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currence of the Court of Spain, in furniſhing out ſuch an Expedient, I will affirm, that thoſe who did ſo were guilty of ſacrificing the Honour and Intereſt of their Country to ſome ſelfiſh Ends of their own.

'For this Reaſon, Sir, I am for the Motion made by my Honourable Friend; for if it does not, upon an Enquiry, appear, that our Miniſter at the Court of Spain declared in the moſt open and plain Terms, that he would not accept of that Declaration, as the Condition upon which the Treaty was to be ſigned; that this Court would not receive it as ſuch, nor ever admit of his Catholic Majeſty's ſuſpending the Aſſiento Contract, on account of the Non-payment of the 68,000l. then claimed by Spain: I ſay, Sir, if this does not appear, I ſhall be for cenſuring the Conduct, at leaſt of our Miniſters Abroad, and, perhaps, of ſome of thoſe at Home. From the Papers already upon our Table it does not appear, that he accepted of that Declaration, that he accepted of it in the moſt ſolemn manner; but, it does not appear from any of the Papers yet before us, that he made ſuch a Counter-declaration as I have mentioned. Therefore, in Juſtice to him, I deſire to be informed, becauſe by the Papers before us, he now ſtands condemned, and therefore I deſire to ſee thoſe that may be pleaded in his Juſtification, if there are any ſuch: In Juſtice to my Country I deſire to be informed, becauſe, as a Member of this Houſe, I am obliged to cenſure him, if, by his Conduct, his Country had forfeited that Character which it has long preſerved, and which it is both our Honour and Intereſt ſtill to preſerve.

'Thus, Sir, the very Argument that has been made uſe of in this Debate for not calling for Mr. Keene's Inſtructions, is, with me, an unanſwerable Argument for our doing ſo. If by accepting the Declaration of the Court of Spain, we did not mean what the Court of Spain meant in delivering it, we ought to have told them ſo. Let us ſee, whether we did or no. And if by accepting it, we meant the ſame thing they meant in delivering it, we then meant to accept of a Treaty or Convention under the Condition expreſſed in that Declaration. By ſo doing, we acknowledged the 68,000l. to be juſtly due to them by our South Sea Company: We acknowledged, that this Sum ought to be immediately paid, without any Regard to the large Claims our Company had upon the Crown of Spain; and we acknowledged, that unleſs that Company paid that Sum, within a ſhort Term, the King of Spain had a Right to ſuſpend the Aſſiento of Negroes. Will any Gentleman ſay, it was right in our Miniſter to make ſuch Acknowledgments? Will any Gentleman ſay, he ought not to be cenſured if he did? Sir,

there

there was no Diſpute between the Court of Spain and our South-Sea Company, when the Convention firſt began to be thought of. They had come to a final Agreement, and that Agreement would have ſtood, if our Negotiations about the Convention had not unhinged it. The Demand of this 68,000l. which the Court of Spain made upon our South-Sea Company, was, perhaps, an unjuſt Demand; but the Company had agreed to allow it, unjuſt as it was, provided the King of Spain would do them Juſtice as to the many Demands they had upon him, and inſiſt only upon this Sum's being brought in to the Creditor's Side of his Account. This was the only Confeſſion our Company had ever made of this Debt. This was what the Court of Spain had agreed to accept of; and this was what Mr. Keene, as he was Agent for the Company, could not but know. Was it then right in him to accept, or admit of a Declaration, in which it was inſiſted, that our Company had confeſſed this Sum to be owing, without ſo much as one Word of the Terms upon which they had agreed to allow it? Among Politicians, Sir, whoſe Maxims, I confeſs, I do not underſtand, this may be juſtified in the Envoy; but among Merchants, I am ſure, it will never be juſtified in the Agent. Anno 13, Geo. II. 1739.

'From what I have ſaid, Sir, it muſt appear, that our Miniſter's accepting, or even admitting of this Declaration, was wrong: and I deſire to know, the whole Nation deſires to know, whether there was any ſuch Counter-declaration, and in what Method it was made or delivered. If we are refuſed this Satisfaction, by a Negative's being put upon this Motion, I ſhall preſume, the whole Nation will preſume, there was no ſuch Counter-declaration made or delivered by our Miniſter; and conſequently I ſhall, the whole Nation will, condemn his Conduct, let his Fate in this Houſe be what it will. This, Sir, is a bad Conſequence, with regard to the Character of the Honourable Gentleman concerned; but with regard to the Character of this Houſe, it is a moſt terrible one; for if Parliaments ſhould begin to refuſe giving Satisfaction to the People, the People will begin to refuſe putting any Confidence in Parliaments; and, if this ſhould ever come to be the Caſe, they not only may, but they ought to be laid aſide. I do not know that the Character of Parliament ever received a greater Stab, than it did by the ſeeming Approbation of the Convention in laſt Seſſion of Parliament; and if we ſhould, in this, ſo far ſcreen the Contrivers of that Convention, as to refuſe to let the People know, whether they were to blame or not: I ſay, if we ſhould do this, now that the chief Argument advanced laſt

Year

Anno 13, Geo. II. 1739.

Year in favour of that Convention appears to have been without Foundation, it will, I fear, be a mortal Blow.

'This, Sir, is a Danger that threatens our Conſtitution in its moſt tender Part; and ſhall we expoſe ourſelves to this Danger, for the ſake of avoiding the chimerical Danger of letting Spain ſee what Conceſſion we were willing to make for the ſake of Peace? It is very plain, I think, Sir, that ſome amongſt us were willing to have made moſt extraordinary Conceſſions for the ſake of Peace; and, for this very Reaſon, I am for having them enquired into; for if they ſhould appear to be ſuch as I ſuſpect, I hope it will be put out of the Power of thoſe that were willing to make them, ever to make any ſuch for the future, either to Spain, or to any other Nation we may hereafter have a Diſpute with. No Man can have Reaſon to dread letting Spain know what thoſe Conceſſions were, becauſe, I believe, ſhe was long ſince fully informed of them; and this Information was, I am convinced, the Cauſe of the War; for her Dependence upon the Conceſſions ſhe was made to hope for, was the true Cauſe of her Obſtinacy, and thoſe who had flattered her with ſuch Hopes, at laſt found, they had promiſed her more than they durſt venture to perform. But ſuppoſe ſhe were, as yet, ignorant of the Conceſſions ſome amongſt us were willing to make for the ſake of Peace, her being now informed of them may give her new Cauſe to repent of her former Obſtinacy, but it can give her no Hopes for expecting ſuch at the End of the War, if we carry it on, as I hope we ſhall, with Vigour and Succeſs. The Dread of letting Spain know what Conceſſions we were willing to make for the ſake of Peace, can therefore be no Argument with any Man in the Kingdom for oppoſing this Motion; but the Dread of letting this Nation ſee what Conceſſions ſome amongſt us ſeemed willing to make for the ſake of a precarious and diſhonourable Peace, is, I believe, an Argument of great Weight with ſome Gentlemen, for oppoſing this and every ſuch Motion; and becauſe it is an Argument with them for oppoſing, it is, with me, a moſt powerful Argument for approving this Motion, and every Motion of the ſame nature; for if any diſhonourable Conceſſions were ſo much as propoſed to have been made, they ought to be expoſed, they ought to be cenſured, in order to prevent the like in Time to come.'

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

'It has generally been reckoned a little unfair, to take notice of what has been ſaid in any former Debate; but we have

have now ſo far deviated from this Rule, that not only what has been ſaid in former Debates, but in former Seſſions, is repeated ſeldom exactly as it was ſpoke, and made uſe of againſt Gentlemen in future Debates, or future Seſſions. I remember, when it was laſt Year inſiſted on, that the King of Spain's Proteſt was an Article of the Convention; I made uſe of the Expreſſion, that it was no more an Article of the Convention than of the grand Alliance. I then thought ſo, I think ſo ſtill: Nothing can be looked on as an Article of any Treaty, unleſs it be ratified as well as ſigned, by both Parties concerned; or unleſs it be expreſsly mentioned and referred to in ſome of the Articles that have been ſigned and ratified by both Parties. Is this the Caſe of the Proteſt in Queſtion? Was it either ſigned or ratified by both Parties, or was it mentioned in any one of the Articles of the Treaty? Sir, if it had been made by way of a ſeparate Article, and even ſigned by our Miniſter, yet, till it was ratified by his Majeſty, it could not be looked on as an Article of any Treaty between the two Nations. Therefore I ſtill think I ſpoke juſtly when I ſaid, that his Catholic Majeſty's Proteſt was no more an Article of the Convention, than of the grand Alliance.

'This Proteſt, Sir, was ſo far from being an Article, or a Part of the Treaty, that it was not ſo much as ſigned by our Miniſter: He did not ſo much as accept it, he only received it. Gentlemen may ſmile at this Diſtinction; but it is not a Diſtinction without a Difference. There is a very great Difference between accepting and receiving. When we accept of any thing, we accept of it as the Giver intends we ſhould, either as a Payment, or as a Reward, Favour or Gratuity; and then our accepting implies a Releaſe, or an Obligation of Gratitude. But when we receive only, we receive in what Terms we pleaſe, and may declare them then, or at any Time afterwards. This was the Caſe of our Miniſter, with regard to his Catholic Majeſty's Proteſt. He received it only; and to ſhew his Candour, as well as to prevent the Court of Spain's being led into any Miſtake, he then upon the Spot declared, that he did not accept of it as any Article or Condition of the Treaty, and that he received it, only in order to tranſmit a Copy of it to his Court, and another to the South-Sea Company. If the Court of Spain, therefore, were deceived, they deceived themſelves: They were deceived neither by the Expreſſions, nor by the Silence of our Miniſter. But whatever they may now pretend, I believe, they neither deceived themſelves, nor were deceived by our Miniſter. I believe, they did not ſo much as expect, that we ſhould ſhew any Regard to their Proteſt. It related

Anno 12, Geo II. 1739.

to an Affair of a particular and perplexed nature, which could not be brought into a general Treaty between the two Nations. The Accounts between the King of Spain and our South-Sea Company, was an Affair that no way related to either of the Nations in general; and, it was an Affair of ſuch a perplexed nature, that it could not be brought into the Negotiation for a general Treaty. Like the Diſpute about the Limits between Florida and Carolina, it was abſolutely neceſſary to refer it to Plenipotentiaries, to be examined into, and determined by them, after the Concluſion of the general Treaty, as is cuſtomary in all ſuch Caſes; and therefore it came properly under the firſt Article of the Treaty, by which, Miniſters Plenipotentiaries were to be appointed, for regulating finally the Pretenſions of the two Crowns, remaining to be adjuſted; the whole, according to the Treaties therein mentioned, of which that of the Aſſiento of Negroes is particularly one.

'If we conſider the Affair in this Light, and this is the only Light in which it can properly be conſidered, we may eaſily ſee, what the Court of Spain meant by this Proteſt. As the Aſſiento of Negroes was a mutual Contract between the two Nations, the King of Spain thought he had a Right to ſuſpend the Performance of his Part of it, in caſe we refuſed the Performance of ours; and this he certainly has. No Gentleman has ſaid, he has a Right to ſuſpend the Aſſiento of Negroes upon any pretended Failure in our South-Sea Company, and without applying to our Court for Redreſs. But, if our South-Sea Company ſhould be guilty of a real, and not a pretended Failure; and if, upon Application to our Court, we ſhould refuſe, or unreaſonably delay compelling our South-Sea Company to do him Juſtice, he would certainly then have a Right to ſuſpend the Aſſiento Treaty upon his Part; and this Right he was afraid might be injured, or derogated from, by that Treaty's being particularly mentioned in the firſt Article of the Convention; for which Reaſon he thought it neceſſary to reſerve that Right by an expreſs Declaration. This was all that even the Court of Spain meant by that Proteſt. It could not give them any new Right, nor confirm any Right they wrongfully pretended to. It was intended only to ſhew, that his Catholic Majeſty did not, by the firſt Article of the Convention, give up any Right he might have to ſuſpend the Aſſiento Treaty, upon a Failure of Performance on the Part of this Nation; and as the Plenipotentiaries appointed by both Nations, and not the Court of Spain alone, were to determine, whether the Non-payment of the 68,000l. was a Failure on the Part of this Nation, it would have been a

Piece

Piece of perfect Don-Quixotiſm in us, to have refuſed admitting the Court of Spain to make ſuch a Declaration or Proteſt; becauſe, if our Plenipotentiaries had determined, that this Sum was due to the King of Spain, and that it ought to be immediately paid by our South-Sea Company, we certainly ought, and, I believe, we ſhould have compelled that Company to have paid it; and if our Plenipotentiaries had determined, that it was not due, or that the King of Spain ought to allow it in Whole or in Part of what was due by him to the Company, his Proteſt would then have been of no Manner of Signification. Anno 13, Geo. II. 1739.

'In my Opinion, Sir, it is evident from the very nature of the Thing, as well as from the Papers already on your Table, that Mr. Keene neither received this Proteſt as any Article, Condition, or Part of the Treaty, nor did he either by his Expreſſions, or his Silence, endeavour to deceive the Court of Spain; and therefore, neither of the Arguments made uſe of by the Hon. Gentleman that ſpoke laſt, can be of any Weight in the preſent Queſtion; nor will our refuſing to diſtreſs the Government by diſcovering its Secrets, or to take up our own Time with Enquiries, when there does not ſo much as ſeem to have been any Fault committed: I ſay, our refuſing to do ſo, can be look'd upon by no impartial Man in the Kingdom, as a refuſing to let the People know, whether thoſe who negotiated and concluded the Convention were to blame in what they did. There are, indeed, ſome Men in the Nation, and perhaps ſome Gentlemen in this Houſe, ſo much prejudiced againſt the Convention, that without Enquiry, they think every Man blameable who had any Hand either in negotiating or adviſing it; but I am ſure, I may at leaſt ſay, that the Majority of both Houſes of Parliament thought otherwiſe laſt Seſſion, and I can ſee no Reaſon for their thinking otherwiſe now. The Hopes that the Convention would, at laſt, produce an honourable and advantageous Peace, without War or Bloodſhed, was a good Reaſon for concluding it, and a good Reaſon for approving it; and, if this was then a good Argument, can what has happened ſince, can the Spaniards having ſince committed a moſt notorious Breach of public Faith, any way derogate from the Strength of that Argument? Can it throw any Blame upon thoſe who put a Truſt in Hopes founded upon a moſt ſolemn Treaty? At this Rate, Sir, no Miniſter muſt ever conclude, or adviſe agreeing to any Treaty; for the moſt full, the moſt explicit the moſt definitive Treaty may be broke thro' as well as that Preliminary was; and if a Miniſter muſt anſwer for the Breaches of Faith committed

Anno 13, Geo II. 1739.

by the Nation he treats with, I am ſure, he ought never, in Prudence, to treat with any. The Breach of Faith committed by Spaniards, can therefore now be no more an Argument for condemning that Treaty, than the Fear of their doing ſo, could be an Argument for condemning it, when it was under the Conſideration of this Houſe.

'This, Sir, is, I believe, the Way of thinking with all the unprejudiced and impartial Men in the Kingdom, which, I hope, will always be, by far, the greateſt Part; and ſurely, we are not to take up our Time in this Houſe, which may be otherwiſe ſo well employed, with Enquiries, in order to remove the Prejudices of a few; and much leſs ought we to do ſo, when that Enquiry may probably be attended with great Danger to the Public, which is the Caſe of the Enquiry now moved for. I ſhall grant, that Spain has now no Reaſon to expect thoſe Conceſſions we were willing to make for the ſake of avoiding a War; but Nations, as well as private Men, often expect without the leaſt Shadow of Reaſon. If Spain ſhould be informed of all the Conceſſions we were willing to make, it will ſhew her the Value we put upon her Friendſhip, and this will make her perſiſt more obſtinately in the War. Her Obſtinacy, it is true, may be attended with her Ruin, but this, I am ſure, is what muſt be allowed not to be our Intereſt to purſue. We ought to inſiſt upon her doing us Juſtice, and, I hope, we ſhall ſoon obtain it, if we do not encourage her to perſiſt obſtinately in the War; but we ought to aim at it by weakoning that Nation as little as poſſible, becauſe ſhe may, probably, hereafter become our Friend and Ally, and we may have Occaſion for her Aſſiſtance. I am far from thinking, that any diſhonourable Conceſſions were propoſed to be made, and yet, I am convinced, the Spaniards know very little of the Conceſſions we were willing to make. I hope they never ſhall; but, if they ſhould be fully apprized of the Conceſſions we were willing to make for the ſake of avoiding a War, they will expect, tho' without Reaſon, that we ſhould make the ſame for the ſake of getting of a War; and this Expectation will prevent their ſuing for Peace, till they are reduced to the laſt Extremity, which is an Effect we ought, if poſſible, to prevent.

'But this, Sir, is far from being the only fatal Conſequence that may enſue from our calling for the Letters and Inſtructions now moved for. I could mention ſeveral others, but ſhall confine myſelf to one. We have, it is true, the Misfortune of being engaged in a War, but it is, as yet, againſt Spain alone, and while it continues to be ſo, we have

have no great Reaſon to doubt, or to be afraid of the Event; nor are we under any Neceſſity of ſeeking Allies or Aſſiſtance in the War. But there are other Powers that are, perhaps, willing to join with Spain againſt us, if they could but find a tolerable Excuſe for ſo doing, and, in that caſe, we may be under a Neceſſity of endeavouring to get ſome of the Powers of Europe to join with us. We know how freely Miniſters of the ſame Sovereign correſpond with one another, when there is no Jealouſy between them, nor any Apprehenſion that the Correſpondence will be unſeaſonably divulged. This was probably the Caſe of our Miniſters at Home and Abroad, who were concerned in negotiating and concluding the Convention, and therefore there may be ſome Reflections or Expreſſions in the Letters or Inſtructions now called for, that may be of dangerous Conſequence in both theſe Reſpects. They may not only be ſuch as will furniſh thoſe that incline to be our Enemies, with a plauſible Pretence for joining againſt us, but they may be ſuch as will render thoſe that incline to be our Friends, leſs willing to aſſiſt us. Theſe may be the Conſequences of having the Papers called for laid before ſo numerous an Aſſembly; and as theſe Conſequences may be fatal to us in our preſent Situation, I muſt therefore give my Negative to the Motion.'

Anno 13, Geo II. 1739.

Lord Polwarth.

SIR,

'I do not remember to have heard it inſiſted on in this, or any former Debate, that the King of Spain's Declaration was an Article of the Convention, and therefore it was unneceſſary for the Honourable Gentleman who ſpoke laſt, to point out to us, ſo exactly, what was to be deemed, and what was not to be deemed an Article of any Treaty; but a Declaration or Proteſt may relate to a Treaty, tho' it be not ſigned by both Parties, and tho' it be neither made an Article, nor mentioned in any Article of the Treaty; and when ſuch a Declaration or Proteſt is ſigned by one of the contracting Parties, and ſolemnly intimated to, and accepted by the other, it has, by the Law of Nations, the ſame Effect, as if it had been made an Article of the Treaty.

Lord Polwarth.

'As for the Honourable Gentleman's Diſtinction between Accepting and Receiving, it is, like ſome of the other ingenious Diſtinctions I have heard come from the ſame Quarter, a little beyond my Comprehenſion. There may be a Difference, but, I proteſt, it is ſuch a one as I cannot well comprehend; and what is ſtill worſe, it is a Diſtinction that, even as he has explained it, will not ſerve his Turn in the preſent

Anno 13, Geo II 1739.

preſent Caſe. If he ſhould give me any thing, which I do not expect he will, and I ſhould receive it, I ſhould think that I had not only accepted it, but that I had accepted it upon the Conditions on which, I ſuppoſed, he gave it; and, I believe, the World would think in the ſame way. But if he ſhould give me any thing, and at the Time of giving ſhould expreſs the Terms on which he gave it, in ſuch a caſe, if I received his Preſent without declaring, that I neither did, nor would receive it upon his Terms, the whole World would conclude, that I had accepted it upon the Terms he expreſſed. Suppoſe a Man were actually owing me a Sum of Money, and ſhould come and offer me a Sum equal to what he owed, but at the ſame time ſhould declare, that he did not acknowledge himſelf indebted to me in a Farthing, nor would give me that Money unleſs I received it as a Gratuity; and ſuppoſe I did receive the Money without ſaying a Word, ought not my receiving it in that way, to be looked on as receiving it by way of Gratuity? I am ſure, in Point of Honour, it ought; for no Man would receive the Money in that way, unleſs he either thought there was nothing really due to him, or that he had not Power to compel the Payment of it.

'I have made theſe Suppoſitions, Sir, in order to ſhew, that he who receives muſt always be ſuppoſed to accept upon the Terms on which the Thing is, or is ſuppoſed to be given. And now to apply this to the Proteſt or Declaration in Queſtion. If it had been drawn up and ſigned without the Knowledge or Participation of Mr. Keene, and a Copy of it ſent to him after the Signing of the Convention, I ſhall grant, that his receiving or accepting it in this manner, would have been of no great Moment: He might, in Complaiſance, have told them, that he would ſend a Copy of it to his Court, or to the South-Sea Company. But this was far from being the Caſe, as appears from the Papers already upon our Table. Before the Convention was ſigned, there was an Agreement between Mr. Keene and Mr. La Quadra, that ſuch a Declaration ſhould be made in Writing, and ſigned by the latter, in the Name of the King of Spain: Nay, farther, before the King of Spain's Miniſters would ſign the Convention, Mr. Keene agreed not only by Word of Mouth, but under his Hand in Writing, that he would receive or accept of this Declaration, and tranſmit Copies of it to his Court, and to the South-Sea Company. Muſt not we then ſuppoſe, that when he received this Paper, he accepted it upon the Terms which were expreſſed in the Body of it; and that conſequently our leaving our South-Sea Company to the Mercy of the King of Spain, was the Condition

dition upon which Mr. Keene agreed the Signing of the Treaty was to proceed on. Anno 13, Geo. II. 1739.

' I was ſurprized, Sir, to hear the Honourable Gentleman ſay, that Mr. Keene, to ſhew his Candour, declared upon the Spot, that he did not accept of this Declaration as any Article or Condition of the Treaty, but that he received it, only in order to tranſmit a Copy of it to his Court, and another to the South-Sea Company. I do not know what private Information the Hon. Gentleman may have about this Affair, but the very contrary appears manifeſt from the Papers now on our Table, and from them only we can judge. (Here he reads Paragraphs from ſeveral Letters, &c.) From theſe Papers it is, I think, manifeſt, that Mr. Keene, by an Agreement previous to the Signing of the Convention, agreed to accept of this Declaration, and that he did accept of it without making any ſuch Counter-declaration, either by Word of Mouth or in Writing; and by his doing ſo, it certainly became a Part of the Convention: No Civilian will, I am ſure, ſay otherwiſe. I ſay, no Civilian, Sir; for I have, this Day, heard ſome Gentlemen of this Houſe ſay otherwiſe; but they do not, I think, pretend to be Civilians; and therefore, I hope, they will not pretend to Infallibility, or even to great Authority, in a Point that depends upon the Laws of Nature and Nations.

' I ſhall grant, Sir, that Matters of a particular and perplexed nature are ſeldom ſettled by general Treaties. When Matters of a general and national Concern are adjuſted, thoſe of a particular or perplexed nature, ſuch as Limits, Damages, and the like, are uſually referred to be adjuſted by Plenipotentiaries, Commiſſaries, or ſome ſuch Miniſters, after the general Treaty has been concluded; but our late Convention with Spain was of an extraordinary kind; for all the general Rights and Pretenſions in Diſpute between the two Nations, ſuch as the Freedom of our Trade and Navigation in the American Seas, our Right to cut Logwood in the Bay of Campeachy, and all ſuch, were left to be regulated by Plenipotentiaries; and that Affair which was the moſt perplexed, and required the moſt particular Diſcuſſion, I mean the Damages ſuſtained by our Merchants, was the only Affair that was finally adjuſted by the general Treaty. I beg Pardon for ſaying finally adjuſted; for, in my Opinion, it was, on our Part, abſolutely given up. I therefore do not at all wonder that the great Claims our South-Sea Company had upon the Crown of Spain, on account of Seizures, were left to be regulated by Plenipotentiaries; but I was ſurprized to hear the Honourable Gentleman ſay, that the Accounts between the King of Spain and our

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our South-Sea Company were all referred to the Plenipotentiaries. No, Sir; the King of Spain's Claim upon them was not referred: We positively and expreſsly allowed it, by our Miniſter's accepting this Proteſt as the Baſis of that Treaty.

'The Court of Spain, Sir, were well apprized of the Neceſſity our Negotiators were under towards the End of laſt Year, for having a Treaty of ſome kind or other. The Miniſters of Spain knew, that our Miniſters had ſpent four or 500,000l. of the Nation's Money, in fitting out Squadrons of which they have made no manner of Uſe. From thence they knew that our Miniſters were under a Neceſſity of having ſomething to ſhew, ſome Excuſe to make, to Parliament; and they would grant them nothing, they would give us nothing that looked like a Treaty, unleſs our Miniſter would abandon the South-Sea Company. That Company muſt be entirely left to their Mercy: The Sum pretended to be due to them by the Company, muſt not only be acknowledged, but paid within a ſhort Term, otherwiſe they were to be left at Liberty to ſuſpend the Aſſiento of Negroes; whereas, the large Sum due by them to the Company, were to be left to a tedious Diſcuſſion, and not to be paid till their Plenipotentiaries ſhould agree to it, which, I am convinced, they never would have done. All this they inſiſted on, before they would vouchſafe to give us any thing that looked like a Treaty, and for this, they would not truſt to our Miniſter's Word; they would have it in Writing; and this Form of a Proteſt, which he was to accept of in a ſolemn manner, was the Method agreed on: Nay, even for this Acceptance, they would not truſt to his Word: This too, they inſiſted upon having, by way of Letter, under his Hand. Does not this ſhew that our Miniſters, ſo far as they durſt venture, were willing to agree to every thing propoſed by the Miniſters of Spain? Suppoſe, Sir, the King of Spain has a Right to ſuſpend the Aſſiento of Negroes, in caſe of any Failure on our Part, yet this cannot juſtify Mr. Keene's accepting of that Proteſt in the manner he did. By that Acceptance, he not only acknowledged the Right in the King of Spain, but he acknowledged, that the South Sea Company would be guilty of a Failure on their Part, unleſs they paid the 68,000l. within a ſhort Term; and this he did, tho' he perfectly knew, that, in Juſtice, they owed no ſuch Sum, nor had ever acknowledged, or promiſed to pay ſuch a Sum, but upon Condition of the King of Spain's ſettling all Accounts with them, and paying what might appear to be due upon the Balance.

'What

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'What I have ſaid, Sir, I have ſpoke from the Papers now upon our Table. From them our Negotiations, eſpecially thoſe that relate to his Catholic Majeſty's Proteſt, muſt ſtand condemned with every Man that peruſes them, and them only. If there be any other Papers which may juſtify thoſe Negotiations: If the Honourable Gentleman knows of any ſuch: If he knows of any Letters, Inſtructions, or other Papers, from whence it may appear, that Mr. Keene declared, when he received this Proteſt, that he did not receive it as any Article or Condition of the Treaty, that he received it only to tranſmit it to his Court, and to the South-Sea Company: I ſay, if the Honourable Gentleman knows of any ſuch as, from what he has ſaid, he would ſeem to inſinuate, I am ſure he ought, as a Friend to Mr. Keene, to agree to their being laid before us. The Objections he has been pleaſed to make, the Dangers he has been pleaſed to frighten us with, are, in my Opinion, mere Bugbears. The Danger of ſhewing to Spain what Conceſſions we were willing to make for the ſake of Peace, is an Objection that operated as ſtrongly againſt laying before us the Letters and Inſtructions to our Commiſſaries, as it can do againſt laying before us the Letters and Inſtructions to Mr. Keene; and yet, the former were laid before us without any Difficulty, and without producing any bad Effect. And as no Power in Europe had the leaſt Concern in the Negotiations carried on between Spain and us: As no Power in Europe had any immediate Concern in the Diſputes between the two Nations, I cannot conceive, what Occaſion our Miniſters could have to mention any other Power in Europe, in their Letters or Inſtructions to Mr. Keene; and therefore, from their great Wiſdom, I muſt ſuppoſe, that no other Power in Europe is ſo much as mentioned in any of thoſe Letters or Inſtructions. For this Reaſon, if they were all printed and publiſhed, as well as laid before this Houſe, I cannot ſuppoſe, that thoſe who are willing to join with Spain againſt us, could, from thence, be furniſhed with any Pretence for ſo doing; or that thoſe who are willing to aſſiſt us in the War, in caſe we ſhould have Occaſion for it, could, from any Reflections or Expreſſions in thoſe Letters or Inſtructions, be rendered leſs willing than they are at preſent to aſſiſt us.

'This, Sir, is a Danger that none of our Miniſters have, I am convinced, the leaſt Cauſe to apprehend. But there is another Danger which ſome of them may, perhaps, have Cauſe to apprehend. There may be Expreſſions in ſome of thoſe Letters or Inſtructions, that might diſoblige many here at Home, and raiſe ſuch a Spirit in the Nation,

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as would be of dangerous Conſequence to our Miniſters. If our Negotiations were carried on, not ſo much with a View to procure Satisfaction to the Nation, as to procure temporary Expedients for our Miniſters, this might appear from ſome of thoſe Letters or Inſtructions, if they ſhould all be laid before us; and this, if there be any ſuch thing, is, I ſhall grant, a Danger which our Miniſters have great Reaſon to apprehend; but this is a Danger which, I am ſure, ought to have no Weight with this Houſe. If it has any, it muſt be in favour of the Motion; and, for this Reaſon, I am the more ſanguine for the Motion; becauſe I find it oppoſed by ſome who may, perhaps, think themſelves expoſed to this Danger.'

Sir John Hind Cotton.

SIR,

Sir John Hind Cotton.

'I ſhall not enter into the Queſtion, whether our Negotiations ſtand condemned or acquitted by the Papers now upon our Table; but, I muſt obſerve, that tho' ſeveral Paragraphs have been read, and from thence ſeveral Objections ſtarted, by thoſe who find fault with our Negotiations, yet none of thoſe who declare themſelves Friends to our Negotiations, have attempted to read, or to draw an Argument from any one of the Papers now before us; from whence it would ſeem as if they were conſcious, that our Negotiations cannot be juſtified from any of the Papers we have, as yet, upon our Table; and if they put a Negative upon this Motion, the whole World will conclude that they are conſcious thoſe Negotiations can as little be juſtified from any Papers that can be laid before us; therefore, for preventing ſuch an unlucky Inference, I hope they will agree to the Motion.

'In this Debate, Sir, we have heard Mr. Keene's Conduct ſo highly applauded by ſome Gentlemen, and ſo loudly blamed by others, that, I confeſs, it excites a very great Curioſity in me, to ſee all that can be ſaid, both for and againſt him; and therefore, as I can ſee no Danger from our having all thoſe Papers laid before us, if there were no other Reaſon, I ſhould be for the Motion. But when I conſider the Duty we owe to our Country, if the Gentlemen whoſe Conduct is called in Queſtion, be guilty, and the Juſtice we owe to him if he be innocent, I think we ought to have the Papers now moved for laid before us, even tho' it ſhould be attended with all the Dangers we have been frightened with; and thoſe who have any Regard for him, muſt certainly, I think, be for it, becauſe his Character, as a Miniſter, may, perhaps, be juſtified by ſome of the Papers now

called

called for; and it cannot, I am ſure, be rendered worſe than it is already in the Eyes of many Gentlemen of this Houſe, and, I believe, of moſt Men in the Nation.' Anno, 13 Geo. II. 1739.

This Debate likewiſe ended with a Negative, without a Diviſion.

Lord Gage's Speech againſt the Augmentation of the Troops.

SIR,

'The Honourable Gentleman that made the Motion for an Augmentation to our preſent Army, of ſeven Regiments of Foot, did plainly tell you at the ſame time, that he did likewiſe intend to propoſe the raiſing alſo of four Regiments more of Marines: But as I am againſt every Part of the Motion already made, ſo I ſhall be againſt that intended to be made.

'I am againſt this Augmentation of Troops, becauſe no one Reaſon has been given to ſhew the Neceſſity of it; and was it neceſſary, I ſhould be for the adding of fifteen or twenty Men to the Companies now in being, rather than the raiſing of new Corps or Regiments, which will be not only the moſt burdenſome and expenſive way to the Nation, but may alſo prove the moſt dangerous to our Conſtitution.

'The Honourable Gentleman that opened this Debate, ſeemed to hint that theſe additional Troops would, in reality, be no Augmentation to our Army, being only to replace thoſe ſent Abroad on the late Expedition to America. But I hope he will forgive me, if I ſay, that it is a fallacious way of arguing, and not true in Fact.

'It is true, indeed, they are pretty equal in Number to thoſe ſent Abroad, but they are ſo many more than the Parliament laſt Year ever intended keeping on foot in England; for thoſe very Troops ſent on the Expedition, were raiſed with no other View than to be ſent Abroad, ſo that, in reality, this is an Addition of ſo many more Men.

'And I am ſo far from agreeing to the raiſing of more Forces, that I would not even conſent to the keeping up the preſent Number of uſeleſs Troops, was it not with a View of making them of ſome Service to their Country, by addreſſing his Majeſty to employ ſome of the marching Regiments as Marines on board ſome of the Men of War.

'But now I am talking of Marines, where is the Neceſſity, ſuppoſing it was even requiſite Marines ſhould be raiſed, that it ſhould be done by way of Regiments, to put to unneceſſary Charges a Nation already groaning under the heavy Load of Taxes, Duties and Exciſes? Why not rather as independent Companies, and ſo to be ſent on board ſuch Ships where there may be a Deficiency of Sailors, by which

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means not only the Pay of the Colonels, Lieutenant Colonels, Majors, &c. would be ſaved, but alſo there would be more Seamen ſpared for the Merchants carrying on their Trade?

'But as I do not at preſent think any additional Marines needful, there being, as I ſaid before, marching Regiments ſufficient that may be ſpared, to be employed that way in caſe of Neceſſity, ſo I never will be for keeping on foot a ſingle Company more than is requiſite for the Support of the Government But when inſtead of that, I think, the too great Increaſe of the Army may become its Subverſion, by making Slaves of a free People, I ſhall always oppoſe it; and to ſhew the Gentlemen of this Houſe from Hiſtory, how all free Countries have been enſlaved by Armies, would be taking up of their Time to no Purpoſe, and telling them what they know better than myſelf.

'I muſt own, Sir, I can ſee but one Reaſon for raiſing, at this preſent Juncture, this additional Number of Troops, and that is, to ſtrengthen the Hands of the Miniſter againſt the next Elections, by giving him the Power of diſpoſing of Commiſſions to the Sons, Brothers, Nephews, Couſins, and Friends of ſuch as have Intereſt in Boroughs, into ſome of which, perhaps, Troops may be ſent to procure the free Election of their Members, in Imitation of the late Czarina ſending her Troops into Poland to ſecure the free Election of a King.

'But ſtill there is one thing more fatal than all I have yet named, that muſt be the Conſequence of ſo great a Body of Troops being kept on foot in England, and will be the finiſhing Stroke to all our Liberties. For as the Towns in England will not be able much longer to contain Quarters for them, moſt of thoſe who keep public Houſes being near ruined by Soldiers billeted on them; ſo on Pretence of the Neceſſity of it, Barracks will be built for quartering them, which will be as ſo many Fortreſſes, with ſtrong Garriſons in them, erected in all Ports of England, which can tend to nothing, but by Degrees to ſubdue and enſlave the Kingdom.

'But if ever this Scheme ſhould be attempted, it will be incumbent on every Engliſhman to endeavour to prevent it by all Methods; and as it would be the laſt Stand that could be ever made for our Liberties, rather than ſuffer it to be put in Execution, it would be our Duty to draw our Swords, and never put them up till our Liberties were ſecured, and the Authors of our intended Slavery brought to condign Puniſhment.

'Sir,

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'Sir, in Anſwer to what the Honourable Gentleman mentioned, who ſaid, there was not only a Poſſibility, but a Probability of the French attempting very ſoon to invade England, I will not diſpute that Point with him, tho' I do not believe it, but will, for Argument Sake, grant it to be true, and therefore will, on that Suppoſition, beg the General that ſpoke lately, and ſaid that the raiſing of Troops in Regiments would be of more Service than by adding a Number of Men to each Company of the Regiments now in being, to anſwer me this Queſtion.

'Whether, if he was a Prince of a ſmall Territory, and knew he was to be attacked by 8000 Men, and was very poor, and had very little Money to ſpare, he would not rather chuſe for his Defence to raiſe 10,000 Men, by adding more Men to every Company, than only to raiſe 5000 in the Method he propoſed, ſince the 5000, with ſo great a Number of Officers, would coſt as much as the 10,000 in the other way? But as I am perſuaded, without waiting for the Gentleman's Anſwer, that he would chuſe the 10,000, ſo I beg leave to bring it to a Compariſon of the preſent Situation of our Affairs at Home.

'England is indebted forty eight Millions; (tho' after near thirty Years Peace) there is no one thing left that can be taxed, but what has already a heavy Duty laid on it, ſo that with the Land Tax, Duties on Salt, Leather, Soap, Candles, and all other Things, every Freeholder of England pays near 14s. in the Pound, and if the War continues, there will be no means left for the raiſing Money but by the way of Lottery, of which People will ſoon grow tired, and the laſt Recourſe we can have muſt be to mortgage the Sinking-Fund, which, perhaps, will not anſwer, by reaſon that the Produce thereof, by the Want of our Trade in Time of War, will come but to little, and therefore OEconomy is abſolutely neceſſary, and if it is to be determined that Troops muſt be raiſed, it ought, at leaſt, to be done in the cheapeſt manner.

'In anſwer to what another Honourable Gentleman ſaid, who told the Houſe he had been acquainted by a Perſon of Rank in the Emperor's Service, that the great Misfortune that befel the Emperor's Arms during the laſt War, was found to be their having too many Men in each Company; I do not in the leaſt doubt but that he had been told ſo, but ſhall beg leave to give other Reaſons for his having been conſtantly beat, than thoſe that he has mentioned.

'It is well known, Sir, that there were Factions at the Court of Vienna as well as at this, and that there was alſo there a Prime-Miniſter who had acted like ours at Home, and

Anno 13, Geo II. 1739. and that he had quarrelled with the chief and greateſt Men, and in Contradiction to the general Voice of the People, acted in his own deſpotic way, and had laid aſide the beſt Generals becauſe they would not be his Tools, and employed the bad ones, which I aſcribe in great Part to be the late Emperor's Misfortunes in his laſt Wars; and to prove what I ſay to be true, I appeal to every body's Memory, whether the Emperor's Troops, when commanded by Prince Eugene, did not behave well, tho' at that Time there was the ſame Number of Men in every Company as in the laſt War; ſo the Fault muſt be, as I ſaid at firſt, in the Generals.

'Upon the whole, I am againſt any Augmentation of Troops whatſoever, unleſs I hear better Reaſons given, (England having already in Pay near 72,000 Men) but more particularly by the way of eleven more Regiments; and, I hope, I ſhall be forgiven, if during the Debate I ſhall take the Liberty of ſpeaking again; for I am determined to fight, Inch by Inch, every Propoſition that tends, as I think this does, to the enſlaving my Country.'

The END of the Sixth Volume.

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